

Appendix B

Public Education and Involvement Documents

Appendix B1

Public Involvement, Education and Outreach Plan

Wenatchee Valley Stormwater Program

Public Involvement,

Education

And

Outreach Plan

Public Involvement, Education and Outreach Plan

The National Pollutant Discharge Elimination System (NPDES) Phase II permit program requires local governments to apply for a permit to discharge stormwater runoff from a municipal separate storm sewer system (MS4s). This program is a federal requirement developed under the Clean Water Act. The Washington State Department of Ecology (Ecology) is responsible for administering the NPDES program in this state. The program requires the development of local controls to reduce stormwater pollutant discharges to surface water. The Wenatchee Valley, including the cities of Wenatchee and East Wenatchee, Douglas County and Chelan County are now required to comply with the requirements of that program. Staff from the Cities and Counties have been working together in an effort to share the work load and ensure consistency in developing the local controls. This staff group includes engineers, planners, and street maintenance personnel. The group was formalized with a memorandum of understanding and is referred to as the Wenatchee Valley Stormwater Technical Advisory Committee or WVSTAC.

As part of efforts to comply with the Eastern Washington Phase II Municipal Stormwater Permit issued by Ecology, the City of Wenatchee, City of East Wenatchee, Douglas County, and Chelan County have developed this public involvement, education and outreach plan ("Plan"). This Plan is an important element of the local and regional efforts to develop a stormwater management program (SWMP). The purpose of this plan is to outline the Cities' and Counties' public education and involvement process and actions to accomplish this important project. The Plan seeks to engage the public by providing information and by gathering public input through all stages of the development of the SWMP. Outreach will be focused on both the general public and targeted audiences of stakeholders.

The public involvement and participation part of this Plan has been developed to provide the public with the opportunity to participate in the development of the SWMP, while the public education and outreach component is designed to educate the public about stormwater and actions they can take to participate in this process and help combat stormwater problems.

1.0 Public Involvement and Participation Plan

The components of the regional public involvement and participation plan are described in this section. Pursuant to the NPDES Phase II permit, the program requires a process for obtaining and considering public comments on the SWMP, including required ordinances and regulatory mechanisms. The permit requires that the latest updated version of the SWMP be made available to the public no later than May 31 each year, beginning in 2008.

The SWMP public involvement plan has the following general public involvement goals:

- Build understanding of the program and credibility for the process leading to decisions
- Establish and maintain productive partnerships with citizens, agencies, and organizations that have stake in or have shown interest in the program
- Promote early involvement with stakeholders in identifying issues and opportunities
- Provide information to the public, businesses, and the media
- Maintain a record of public involvement in the decision making process

The public involvement and participation plan complies with applicable State, tribal, and local public notice requirements for implementing a public involvement and participation program. The SWMP development and update process will include public involvement opportunities including public hearings and open houses, and establishment of a steering committee.

The following principles will guide public involvement throughout the SWMP development:

- All major public policy decisions or large implementation projects will affect many people.
- Good solutions can come from a variety of sources including professionals, elected officials, agencies, citizens, and community organizations.
- Even if a project or policy decision is sensible and beneficial, it must be arrived at properly and fairly, involving the community at all appropriate levels to be acceptable.
- People are much more willing to support a decision if the decision-making process is open, objective, and considers all viewpoints.
- Effective public notification and participation is essential to sound decision-making.
- Financial constraints should be reasonably considered in designing public participation programs.

1.1 Public Involvement Approach

The SWMP's public involvement goals will be met through a focus on working with the public to build consensus on the program elements and identifying solutions that meet the requirements of the permit and meet the needs of the region. Once the draft SWMP has been developed by the WVSTAC in January, 2008, communications will be facilitated by:

- **Steering committee and planning unit briefings:** The WVSTAC will organize a steering committee representing different community interests to provide comments and suggestions during program development and throughout the permit duration. The members of the steering committee will be appointed by local elected officials. This steering committee will also provide input into ordinance development that will take place throughout the permit period. It is anticipated that members of the steering committee would represent the following interests/organizations:
 - Legislative body members or Planning Commission
 - Home Builders Association
 - Chamber of Commerce
 - Environmental organization
 - Land trust
 - Professional engineers
 - Developers/contractors
 - Citizens or local business (at large)
 - Recreation

The WVSTAC will meet with the steering committee and with the WRIA 40A, WRIA 45, and WRIA 44/50 watershed planning units to discuss the updated draft SWMP and to provide an opportunity for comments and suggestions. Exhibit 1 shows an organizational chart of the groups involved in the SWMP development and implementation process.

Timeline: The steering committee will be formed by spring 2008. The group will meet two to three times during program development, on an as-needed basis during development of various local controls, and at least annually during implementation to provide input and

recommendations to the Cities and Counties. The Cities and Counties will meet with the watershed planning units in early 2008.

- **Public Open House:** An open house will be held to provide information to the public about the SWMP and as a mechanism to receive public comments. The regional open house, which is currently planned in spring 2008, will open with the PowerPoint presentation described in Section 2.1.6.1 to provide a general overview of stormwater, the NPDES Phase II permit requirements, and how these requirements are being addressed in the regional SWMP. Opportunities for ongoing education and involvement will be discussed as will the ordinances that will be adopted by each City and County in order to implement the different aspects of the SWMP. The remainder of the open house will be an informal individual and group question and answer session. The WVSTAC members will staff a display and information table with brochures and website information and will be available to answer questions from the public. The process for providing written comments will be explained at the open house. Additional open houses will be planned throughout the SWMP process.

Timeline: The open house will be held in spring 2008.

- **Public Hearings:** Public hearings will be held prior to the adoption of ordinances that will be created to implement the SWMP. After the WVSTAC has prepared a final draft that has incorporated comments from the steering committee, planning units, and the public, additional public hearings will be held by each jurisdiction to provide an opportunity for the public to comment on the final SWMP prior to adoption. Each jurisdiction will adopt the program individually.

Timeline: Public hearings will be held by late spring 2008, after the updated SWMP has been made available to the public.

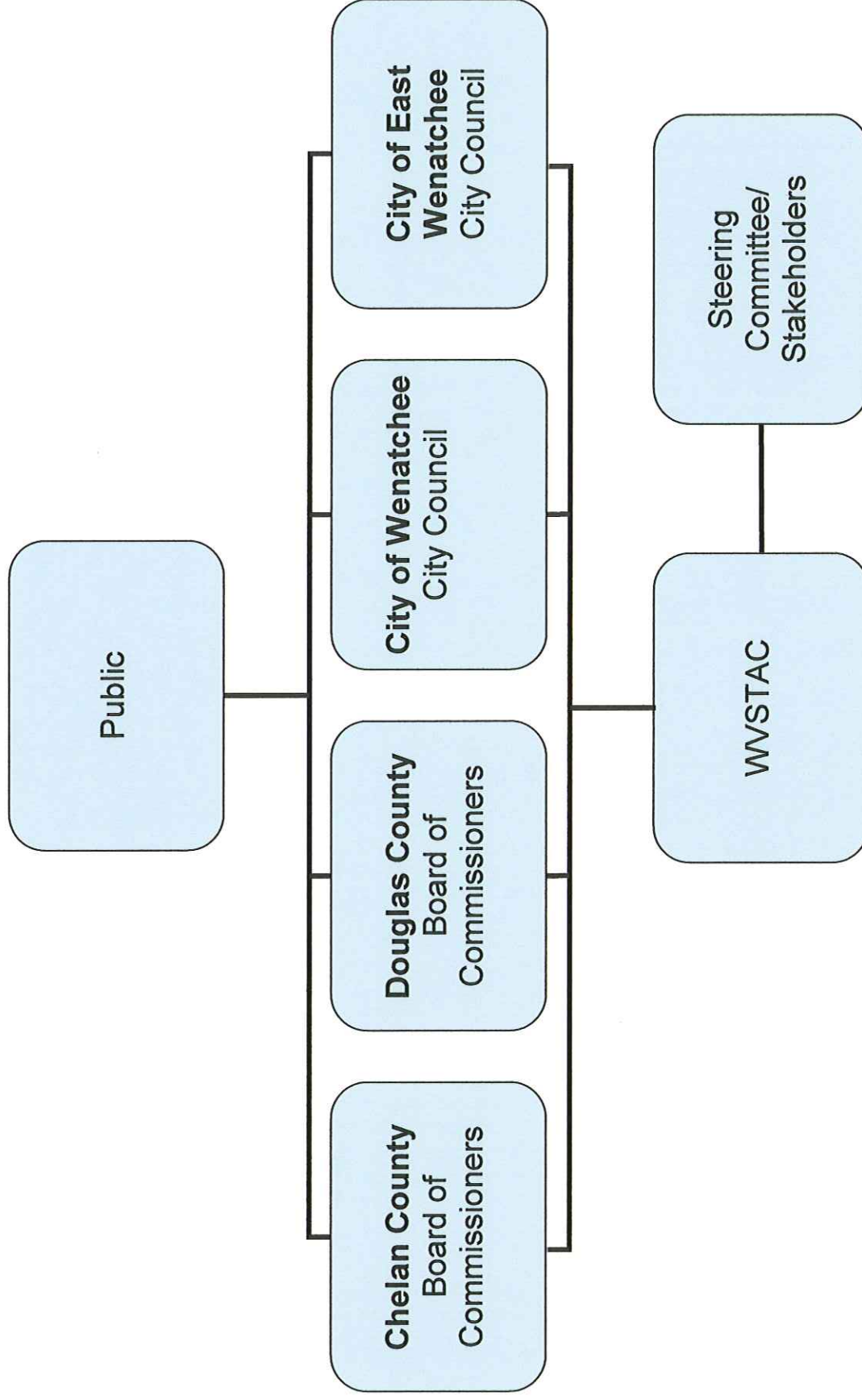
1.1.1 Public Notice

Public notice of open houses and public hearings will be made through local radio stations, printing newspaper notices (legal and feature articles), news releases, the jurisdiction websites, and other venues as established in existing policies and notification procedures and state and local regulations. Notices may also target specific population sectors, including minorities, low-income households, neighborhood and community groups, outdoor recreation groups, and business and industry groups, as appropriate. Notices will include the date, time, location, and purpose of the event.

1.1.2 Process for Consideration of Public Comments

The public will be able to provide comments on the SWMP and ordinances at open houses and public hearings, as well as in writing. To ensure that all written comments received are documented, written public comments should be addressed to the WVSTAC at Douglas County Transportation and Land Services, 140 NW 19th Street, Suite A, East Wenatchee, WA. All public comments will be considered by the WVSTAC and decision makers throughout the process.

Exhibit 1
Stormwater Management Program Organizational Chart



1.1.3 Public Involvement Schedule

Exhibit 2 provides the draft preliminary public involvement schedule. The Cities and Counties will aim to complete the briefings, open houses, and public hearings by the approximate timeline described previously. The permit requires that the updated SWMP be provided to the public by May 31, 2008. The Cities and Counties anticipate adoption of the SWMP in May 2008. The NPDES Municipal permit requires that the updated SWMP be provided by May 31 every year thereafter throughout the duration of the permit. The process for the annual review and update will consist of an evaluation of the effectiveness of the program in addition to public hearings to adopt updates:

- The WVSTAC will develop an annual report to identify the successes of the SWMP and opportunities for improvement
- The WVSTAC will present their findings and recommendations to the steering committee
- The WVSTAC will present their recommendations and updates to their respective commissions and councils
- Any proposed SWMP updates will be prepared and made available to the public through the website and targeted mailings
- Hearings will be held to receive public input on the updates
- The updates will be adopted by each jurisdiction

2.0 Public Education and Outreach Plan

The objective of this public education plan is to develop and implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities on the impacts of stormwater discharges to water bodies, and the steps the public can take to reduce pollutants in stormwater. Outreach and educational efforts include a multimedia approach and are targeted to specific audiences for increased effectiveness.

2.1 Components of the Public Education and Outreach Program

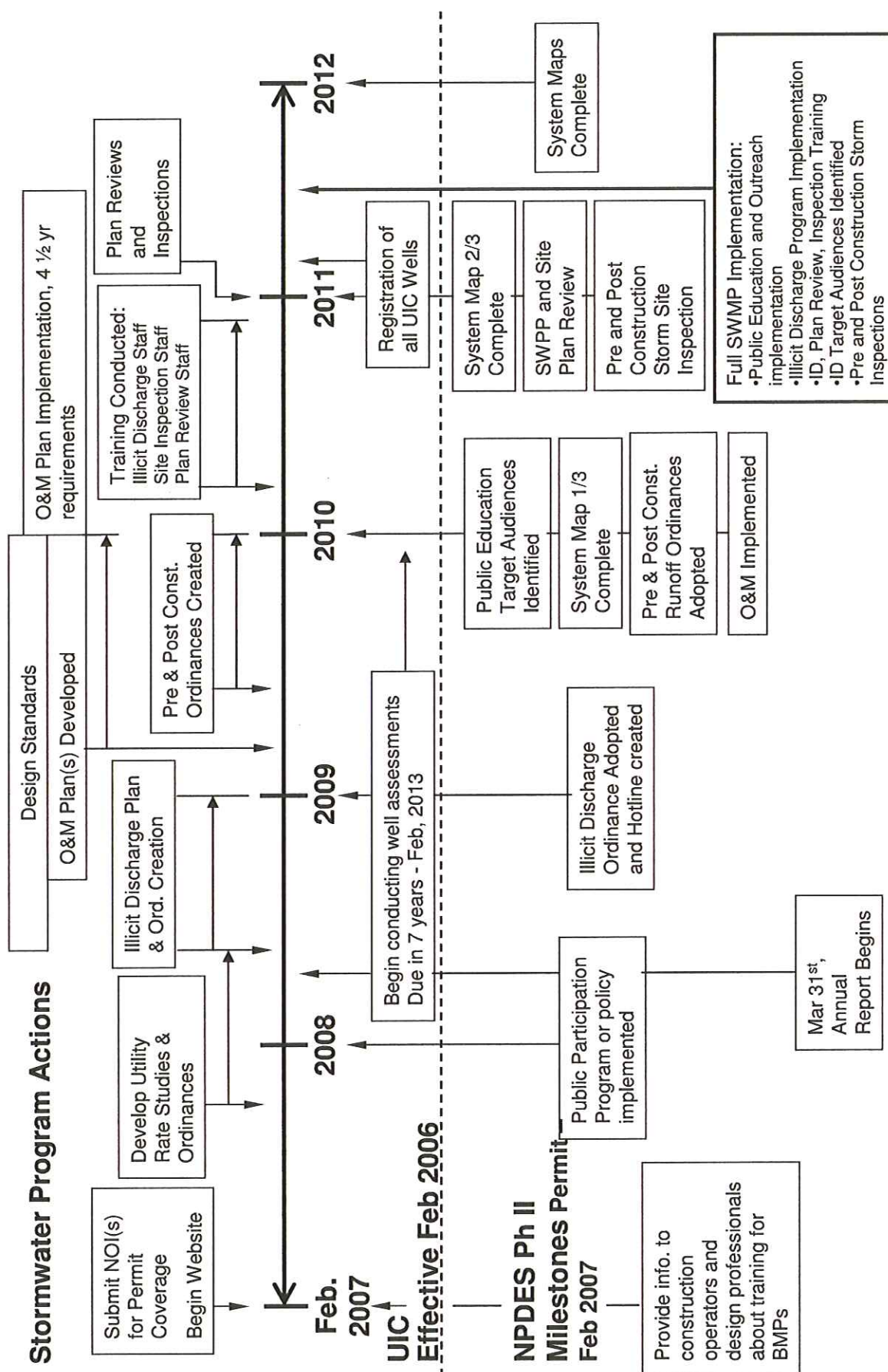
The components of the regional public outreach and education program are described in this section. The program will include:

- Information for the general public about the importance of improving water quality and protecting beneficial uses of waters of the State; potential impacts from stormwater discharges; methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of stormwater discharges; and actions individuals can take to improve water quality, including encouraging participation in local stewardship activities.
- Information for businesses and the general public about preventing illicit discharges, including 1) what constitutes illicit discharges, 2) the impacts from illicit discharges, and 3) the proper management and disposal of toxic materials.
- Information for engineers, construction contractors, developers, development review staff, municipal maintenance personnel, and land use planners about technical standards, development of stormwater site plans and erosion control plans, and stormwater best management practices for reducing adverse impacts from stormwater runoff during construction.

The schedule of implementation is also included in Exhibit 2.

Exhibit 2

NPDES Phase II Timeline



2.1.1 Identify and Characterize Target Audiences

The NPDES Phase II stormwater permit requires permittees to identify and provide outreach to target audiences. Each City and County will maintain their own list(s) of target audiences, including residents, visitors, students, schools, public employees, businesses, industries, construction contractors, and developers. The individual lists will be combined annually into one regional list to identify shared contacts. Each City and County will be responsible for communicating to their respective target audiences, except for shared contacts which will be contacted at the regional or semi-regional level to avoid duplicative efforts.

Timeline: The permit requires that target audiences are characterized and identified by February 15, 2010. The Cities and Counties have already created individual target audience lists and lists of commercial businesses (a general list of commercial businesses is provided in Attachment A), and will update these lists annually.

2.1.2 Create a Website to Support Outreach

A regional website to support public education and outreach efforts will be hosted and maintained by the City of Wenatchee. The website will provide a description of the SWMP, downloadable educational materials such as brochures, and schedule of upcoming program activities. Each City and County will have a link to the regional stormwater website on their individual websites, and will be responsible for maintaining these sites.

Timeline: A regional stormwater website will be created by the end of permit year 2 (February 2009). The site will be updated periodically during the rest of the permit term.

2.1.3 Logo

The Cities and Counties would like to obtain input from the public for a logo that will provide recognition of the SWMP. Examples of a potential logo are presented.



2.1.4 Media Involvement

The media will be contacted with news stories about the development and implementation of the SWMP. The WVSTAC will designate a lead media spokesperson to represent the regional program. Public access television and public service announcements may also be utilized, as appropriate.

Timeline: The media will be contacted during the program development in permit years 1 and 3 as the SWMP and ordinances are developed and adopted. Media notices will be associated with other education and outreach efforts or program milestones during the rest of the permit term.

2.1.5 Storm Drains

The Cities and Counties stencil or imprint "Drains to River" on new and replacement storm drain inlets draining to the Columbia River, as applicable. This practice will continue and may be expanded as necessary to meet the timeline below.

Timeline: The model program suggests the Cities and Counties have a goal of stenciling or imprinting 60 percent of all drains within each jurisdiction by the end of the permit duration (February 2012). The Cities and Counties will meet this deadline and may accomplish this goal earlier.

2.1.6 Educational and Outreach Materials

The Cities and Counties will prepare educational and outreach materials to distribute to target audiences that will accomplish two main goals:

- Educate the public about general stormwater issues
- Educate the public about illicit discharges and best management practices that can prevent them
- Educate the public about what they can do to help reduce stormwater runoff and reduce water pollution

2.1.6.1 General Stormwater Educational and Outreach Materials

Education and outreach materials related to personal stewardship are targeted to all affected Bi-County residents. The intent is to provide the public and businesses with general stormwater information and best management practices that can be implemented to lessen impacts on stormwater. All of the educational materials will be developed regionally and semi-regionally. Materials will be posted on the regional website and also distributed as hard copies, as appropriate. Some educational and outreach materials will also be made available in Spanish, including the general information brochure, construction brochure, and illicit discharge brochures.

General Information/Frequently Asked Questions Brochures

Target Audience: All adults

Content of Message: Explanation of what stormwater is, why stormwater can be a problem, practices that can protect water quality, and practices that should be avoided.

Delivery Mechanism(s): The brochures will be available at City and County offices, at appropriate public events, and as a billing insert. Two to three brochures will be developed with the same information in different formats, including a general brochure and a brochure with a question and answer format. Their delivery will be rotated every one to two years.

Timeline: The brochure will be distributed throughout the permit period. The Cities and Counties will distribute the brochure to 90 percent of the residences and businesses within the permit coverage area by the end of permit year 5, and may accomplish this goal earlier.

Stormwater Education Brochure for Construction Sites

Target Audience: Construction contractors and developers

Content of Message: Storm drains discharge to water bodies, stormwater treatment requirements prior to discharge, control of stormwater runoff from construction sites, explanation of the impacts to surface water from stormwater, understanding of stormwater drainage in the regional area.

Delivery Mechanism(s): The brochure will be handed out at pre-application meetings through the following departments:

- Douglas County Transportation and Land Services Department
- City of East Wenatchee Community Development Department
- Chelan County Community Development Department
- City of Wenatchee Community Development Department

Timeline: The brochure will be distributed to development permit applicants within the permit coverage area. The Cities and Counties will distribute the brochures to all permit applicants.

Map of the Coverage Area

Target Audience: All adults

Content of Message: A map showing the Eastern Washington Phase II permit coverage area

Delivery Mechanism(s): In addition to the regional website, the map will be available at City and County offices and appropriate public events.

Timeline: The map will be made available throughout the permit period.

Stormwater Education Programs for Schools (Optional)

As an optional program element, the WVSTAC may contact area schools to discuss opportunities to integrate water quality educational materials into the classroom and may provide educational materials to schools with funding constraints.

Target Audience: Students, Grades K-12

Content of Message: Explanation of what stormwater is, why stormwater can be a problem, practices that can protect water quality, and practices that should be avoided.

Delivery Mechanism(s): Options for curriculum include an updated “Kids in the Creek” curriculum that was previously used in area schools, an interactive presentation, and EPA Water Sourcebooks. Field trips may be planned to view stormwater systems, drainages, and outfalls (if accessible). Posters showing the link between homes, stormwater runoff, and water bodies may be provided to schools for display.

Timeline: The Cities and Counties may offer curriculum or educational opportunities to school districts within the permit coverage area by the end of permit year 5 (February 2012).

General Stormwater Display and Targeted Displays

Target Audience: Everyone

Content of Message: The general display should contain an explanation of what stormwater is, why stormwater can be a problem, practices that can protect water quality, practices that should be avoided, and a map of the permit coverage area. The display should contain information for a broad audience. Targeted displays may be developed for business, industry, and agriculture as needed.

Delivery Mechanism(s): A display that can be utilized at various community locations and events, such as community festivals, county fairs, and can rotate throughout other places in the community, such as schools and libraries.

Timeline: Develop a general stormwater display by the end of permit year 5 (February 2012) and use this display on an average of four times a year.

General PowerPoint Presentation/Speakers Bureau

Target Audience: Citizens attending open houses, public workshops, community service organization meetings, or trade association meetings.

Content of Message: Explanation of what stormwater is, why stormwater can be a problem, practices that can protect water quality, and practices that should be avoided. The presentation will also provide an overview of the requirements of the NPDES Phase II permit and requirements of the SWMP program.

Delivery Mechanism(s): The PowerPoint presentation is for use at open houses (see Section 1.1) and public meetings as a general overview, and can also be used in communications with service organizations and trade associations.

Timeline: The PowerPoint Presentation will be given at the open houses, which are planned to take place in spring 2008; and periodically to community trade association and service organizations during the permit period.

2.1.6.2 Illicit Discharge Education and Outreach Materials

Education and outreach materials related to illicit discharges will be available for all adult residents within the permit coverage area, and specific materials will be made to target homeowners and commercial businesses. The intent is to educate the public about illicit discharges and provide them with a mechanism to report such discharges.

Best Management Practices for Illicit Discharges Brochure – Residential Activities

Target Audience: Adult community residents, particularly homeowners

Content of Message: What illicit discharges are, typical homeowner actions that result in illicit discharges, best management practices for illicit discharges, especially for washing cars and draining pools; and actions and precautions for those who live along drainage areas. The brochure will provide the regional call number for residents to report illicit discharges (may be set up with a contracted service provider).

Delivery Mechanism(s): Brochure will be distributed as a utility bill insert and to people setting up new utility accounts as well as at appropriate public events. Brochures will also be available at City and County offices.

Timeline: The brochure will be distributed throughout the permit period. The Cities and Counties will distribute the brochure to 90 percent of residents within the permit coverage area by the end of permit year 5 (February 2012), and may accomplish this goal earlier.

Commercial Business Brochure addressing Illicit Discharges

Target Audience: Commercial businesses

Content of Message: What illicit discharges are, general best management practices for illicit discharges, and how to report discharges. Specific best management practices for commercial properties, industrial operations, and agricultural operations will also be provided in the brochure.

Delivery Mechanism(s): Brochure will be delivered to businesses along with their renewal license information, and during site visits. The brochures will also be available at City and County offices.

Timeline: The brochure will be distributed throughout the permit period when businesses require renewal license information and to specific businesses identified during routine contact.

Attachment A

Target Audience: General List of Commercial Businesses

The Cities and Counties have developed a targeted list of commercial businesses as a part of their public involvement and public education efforts for the Wenatchee Valley Stormwater Management Program. The commercial businesses include the following types of businesses:

- Restaurants
- Grocery Stores and Outlets
- Health Services
- Distributing and Freight Services
- Antique Shops
- Cleaning, Maintenance, Laundry, and Restoration Services
- Lawn Care
- Electrical, Plumbing, Refrigeration and Heating Services
- Beauty Salons and Barber Shops
- Construction Services
- Transportation Services
 - Sales and Recreational
 - Rentals
 - Trucking services
 - Gas Stations
 - Repair and Service
 - Car Washes

Appendix B2

Steering Committee By-Laws

WENATCHEE VALLEY STORMWATER TECHNICAL ADVISORY COMMITTEE
NPDES Phase II MUNICIPAL STORMWATER PERMIT
STEERING COMMITTEE – BY LAWS

COMMITTEE MEMBERS

- (4) Legislative body members or Planning Commission
- (1) Home Builders Association
- (1) Chamber of Commerce
- (1) Environmental Organization
- (1) Land Trust
- (2) Professional Engineers
- (3) Business Owners (including but not limited to: Developers, Contractors, Restaurants, Lawn Care, Transportation Services, Realtors, Cleaning, and Maintenance Services.)
- (1) Recreation Organization
- (1) Agriculture
- (3) Citizens
- (18)**

PURPOSE: The Committee is a consultative group to the WVSTAC. The Steering Committee will review NPDES Program Elements as presented by the WVSTAC, assist in the public education and involvement BMPs of the local NPDES Program, and provide recommendations to the local jurisdictions to protect the water quality in the Wenatchee Valley urbanized area.

ROLE OF OTHER AGENCIES: Federal, state and local agencies are looked upon for advice to the Committee.

COMMITTEE ORGANIZATION: Each January the committee will select a Chairman and Secretary for one year. The Chairman will be responsible for conducting all meetings and coordinating the Committee functions. The Secretary shall keep minutes and provide copies of the same to Committee Members. Officers may hold the same office for two consecutive terms. The Committee shall meet at least quarterly.

RESPONSIBILITIES: The Committee is responsible for providing recommendations to the local agencies represented in the WVSTAC. Specific duties may include:

- Review and comment on the local NPDES Phase II program action plan, local requirements to the SWMMEW, and local NPDES Phase II program elements, as information becomes available.
- Participate in and provide input on public involvement and education program elements.
- Recommend the adoption of specific activities by governing bodies within the Wenatchee Valley Urbanized Area.
- Support the local agencies in securing funding for projects which impact water quality and NPDES Phase II.

CONSENSUS: All actions of the Committee shall require a minimum 75% agreement by Members for consensus.

MEETINGS: All meetings shall be considered public meetings under the Open Public Meetings Act.

Appendix C

Illicit Discharge Detection and Elimination

Appendix C1

Illicit Discharge Detection and Elimination Program

This program element is not yet complete. The permit requires that the Cities and Counties develop an IDDE program by August 19, 2011. A preliminary working draft of the IDDE program is in Volume II.

Wenatchee Valley Stormwater Management Program

Illicit Discharge Detection & Elimination

Introduction:

The Illicit Discharge Detection and Elimination Program is required under S5 (B)(3) of the Eastern Washington Phase II Municipal Stormwater permit. An illicit discharge is defined as any discharge to the storm sewer system that is not composed entirely of stormwater. Illicit discharges may come from an illegal connection to the storm sewer, spills or intentional dumping of wastewater or pollutants into a storm drain.

Objective:

The primary objective is to comply with the federal and state stormwater regulations. For this specific program, the goal is to eliminate illicit discharges to surface water and groundwater through the detection of illicit discharges, stormwater education and enforcement of the local stormwater regulations.

Performance Measures (IDDE Program Elements):

I. Storm Inventory & Maps

Each jurisdiction will develop a map of the storm sewer system in an electronic format with fully described mapping standards including the following elements:

- i. Location of all known and new connections to the system authorized and approved by the local jurisdiction
- ii. All known outfalls
- iii. Names and locations of all waters of the state that receive stormwater discharges
- iv. Areas served by discharges to ground

Stormwater maps will be updated at least annually to include new subdivisions and stormwater facilities. Each jurisdiction will have a procedure for maintaining documentation of information included on the map.

Timeline:

- *1/3 of the mapping complete by February 2010*
- *2/3 of the mapping complete by February 2011*
- *Mapping completed no later than February 2012*

II. Local Regulation

Each local jurisdiction must adopt an ordinance or resolution to prohibit illicit discharges and authorize enforcement action, including discharges occurring on private property. The Illicit Discharge Detection and Elimination Ordinances and Resolutions can be found in Appendix A.

Illicit Discharge Detection & Elimination

Based on the local ordinance or resolution an Enforcement Action Plan has been developed. The plan includes:

- i. An enforcement matrix/flowchart
 1. For illicit connections where hazardous materials are discharged, the connection must be terminated within 180 days.
- ii. Escalating enforcement actions
 1. Verbal/Written Warning
 2. Administrative Action
 3. Administrative Action with Fine and/or Cost Recovery
 4. Legal Action

The complete Enforcement Action Plan can be found in Appendix B.

Timeline:

- *Adopted an ordinance or resolution no later than August 2009*
- *Develop and implement an enforcement plan by August 2010*

III. Illicit Discharge Detection and Elimination (IDDE) Program

Illicit discharges will be detected through field assessments, the investigation of complaints, and from monitoring data. The local jurisdiction will respond on average within 7 days. The response may include an investigation by the responsible jurisdiction or a referral of the violation to another appropriate agency such as the local emergency response team or Department of Ecology. Illicit connections and discharges to the storm sewer system involving hazardous materials must be investigated no later than 21 days from the time of the initial report or discovery.

The local agencies will determine priority areas likely to have illicit discharges based on the following criteria:

- i. Land use and associated business/industrial activities that may cause illicit discharges
- ii. Past illicit discharge incidents and reports received
- iii. Areas with storage of large quantities of materials or hazardous substances that could result in spills and negative environmental impacts

A. Field Assessments

Field assessments will be conducted to evaluate outfalls and priority areas and identify previously unknown outfalls. These assessments should occur during dry weather to detect any potential illicit discharges and will be scheduled based on a prioritized list. Recordkeeping in the field will be done using either a field log book or an inspection report form. The jurisdiction may also use an electronic database to track inspection information. Reports will include information on suspected illicit discharges, the date, time, location, observations, test results and

Illicit Discharge Detection & Elimination

if a sample was collected for further analysis. Aerial photographs may also be useful for evaluation drainage basins and identifying potential sources of illicit discharges including industrial activities and swimming pools.

Field surveys will be conducted based on the list of priority areas and outfalls in Appendix C.

B. Illicit Discharge Response Plan

Procedures for characterizing illicit discharges and evaluating the appropriate action needed to protect public safety and the environment have been developed. Refer to Appendix D for the Illicit Discharge Response Plan.

C. Public Education

Target audiences for IDDE education will primarily fall into three main categories governmental agencies, commercial/industrial businesses and residential activities. As part of the Public Involvement, Education and Outreach plan, a list of commercial/industrial businesses and activities was developed.

- Restaurants
- Grocery Stores and Outlets
- Health Services
- Distributing and Freight Services
- Antique Shops
- Cleaning, Maintenance, Laundry & Restoration Services
- Lawn Care
- Electrical, Plumbing, Refrigeration & Heating Services
- Beauty Salons & Barber Shops
- Pool & Spa Dealers and Services
- Construction Services
- Transportation Services: Sales, Recreation, Rentals, Trucking, Gas Stations, Repair & Service, and Car Washes

Permit and business license information will be used to contact property owners with specific types of businesses and facilities.

Public education campaigns may be prioritized based on illicit discharge complaints, field assessments, monitoring data, types of operations and other criteria specific to a certain area or type of business. Public education materials will be developed and distributed by:

- i. Mail as part of utility bills, newsletters or targeted letters
- ii. Brochures will be available at public offices and at events such as home shows and public meetings
- iii. Presentations by staff to business groups and other organizations such as homeowner's associations
- iv. Work with local schools to provide materials and presentations

Illicit Discharge Detection & Elimination

- v. Provide information at the time of permit or business license application or issuance at city/county offices.

D. Program Evaluation

The program will be evaluated annually and a summary of the evaluation included in the annual report to DOE. The IDDE program will be assessed using information from illicit discharge/spill reports, inspections reports, and feedback from public education efforts.

E. Training

IDDE program training will be provided to all municipal staff including office and field staff on a regular basis.

- i. Stormwater utility and code enforcement staff will be trained on identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections.
- ii. Office staff will be trained on procedures for documenting an incident or complaint.
- iii. Other municipal staff including but not limit road maintenance crews and building inspectors will be trained on identifying spills and illicit discharges and the proper procedures for reporting and documenting.
- iv. The local jurisdictions will also coordinate with the fire departments and DOE for emergency spill response of hazardous materials.

Timeline:

- *Publicize a hotline or other local number for public reporting of spills and other illicit discharges by February 2009.*
- *Field assessment prioritization completed by February 2010*
- *Field assessment for at least 3 high priority water bodies or areas completed by February 2011*
- *Program must be developed and implemented by September 2011*
- *Field assessment of a least one high priority water body or other high priority area each year starting from 2012 on.*

Resources:

1. Model Municipal Stormwater Program for Eastern Washington, Washington State Department of Ecology, Water Quality Program, Publication No. 03-10-076, September 2003
2. Illicit Discharge Detection and Elimination Manual: A Handbook for Municipalities, New England Interstate Water Pollution Control Commission, January 2003

Wenatchee Valley Stormwater Management Program

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3. Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection & Robert Pitt, University of Alabama, October 2004
4. Rouge River, Michigan Illicit Discharge Program
<http://www.wcdoe.org/rougeriver/techtop/illicit/index.htm>
5. LA County Model Illicit Discharge Program
<http://www.lapdw.org/wmd/NPDES/ICIDTC.cfm>
6. King County Model Illicit Discharge Program
<http://dnr.metrokc.gov/wlr/stormwater/NPDESCompliance.htm>

Appendix:

- Appendix A IDDE Response Plan
- Appendix B IDDE Enforcement Action Plan
- Appendix C List of Priority Areas and Outfalls
- Appendix D Recordkeeping Forms
 - A. Outfall Field Survey Report

(Note: Bold items in the timeline sections have been completed).

Appendix A
IDDE Response Plan

IDDE Response Plan

Illicit discharges will be detected through field assessments, investigation of complaints, and from monitoring data. Illicit discharges include any discharge to the municipal storm system that is not rain or snowmelt, with a few exceptions allowed under the City of Wenatchee Code Section 4.10. An illicit discharge may include a connection to the system that has been in place for an extended period of time, such as a manufacturer with a connection that is hard piped to the storm infrastructure; or it may be a discharge released directly to a catch basin or an area with the potential to run into surface water. Illicit discharges from construction activities are covered under a separate program.

I. Response Timeline

The city will respond on average within 7 days. The response may include an investigation by the responsible jurisdiction or a referral of the violation to another appropriate agency such as the local emergency response team or Department of Ecology. Illicit connections and discharges to the storm sewer system involving hazardous materials must be investigated no later than 21 days from the time of the initial report or discovery.

II. Field Investigation Steps

While conducting any field investigation, city staff are required to follow all safety procedures. Before entering private property, city staff will attempt to contact the property owner.

- 1) Locate the illicit discharge and begin documentation.
 - a) Look for possible infrastructure connections
 - b) Did the spill discharge to a water body?
- 2) Determine the level of hazard and if additional help is needed. This can be done by surveying the immediate area for the source of the discharge, looking for physical characteristics including odor, color, staining of floatable material, or pulling samples for field testing such as pH, residual chlorine, turbidity or temperature.
 - a) If hazardous, immediately call 911 and the DOE Spill Response Team
 - b) If non- hazardous, look for the responsible party.
 - c) If a responsible party is not present or able to handle the discharge, contact additional city staff as needed.
 - i) Large Volume & Non-hazardous—Public works crews
 - ii) Non-hazardous, small volume under 18" diameter—Environmental & public works crews
- 3) Look for ways to contain or stop the discharge.
- 4) If the source of the discharge is not clear, use one of the following methods for tracking the discharge:
 - a) Inspect area and storm drain system using the storm sewer system map and inventory
 - b) Trace using an identified characteristic: pH, color, or damage to infrastructure.
 - c) Sample collection
 - d) Video inspection of storm sewer
 - e) Dye testing
 - f) Review aerial photographs

III. Document field investigation

Documenting an incident of illicit discharge begins at the time the report is acknowledged and continues throughout the investigation, clean-up, and enforcement of the incident. Initially the incident is documented on a stormwater complaint spreadsheet. If this is not done by the person receiving the phone call, it will be done by the environmental manager or environmental technician who receives the forwarded complaint.

Documentation of the field investigation not only includes written documentation, but also may include photographs of the spill location and any infrastructure or water bodies associated with the illicit discharge. Sample collection for laboratory analysis may also occur at this time. If sampling is necessary they need to be pulled and analyzed within an appropriate timeframe to assure the data is valid. Chain of Custody forms need to be completed for all samples.

IV. Notify DOE

If there is a discharge to the storm system with potential harm to health or the environment, it is required that the DOE be notified within 24 hours. Any water quality violations require notification of DOE in writing within 30 days of the incident.

V. Disposal of cleanup materials

The party responsible for the illicit discharge is also responsible for cleanup of the discharge. The environmental department may provide technical assistance such as DOE contacts, hazardous waste contractors, materials for cleanup, etc. Cleanup materials must be disposed of in a proper manner. The hazardous waste may need to be disposed of by a hazardous waste contractor.

VI. Equipment

The appropriate vehicles are maintained continuously with spill response equipment necessary to clean a non-hazardous small spill. Field testing and sampling equipment is also maintained in the vehicles. Additional equipment may be needed depending on the level of hazard of spill, particularly a large or hazardous spill that requires the street, utility, collection or professional clean-up crew.

VII. Enforcement

Enforcement actions for an illicit discharge will follow provisions of Chapter 4.10.090 of Wenatchee City Code and the IDDE Enforcement Action Plan. Actions may include verbal/written warnings, administrative action, fines and/or cost recovery, and legal action.

Appendix B

IDDE Enforcement Action Plan

City of Wenatchee

IDDE Enforcement Action Plan

September 24, 2009

I. Purpose:

The purpose of the Enforcement Action Plan (EAP) is to set forth the City of Wenatchee's policies and procedures for investigating and responding to instances of noncompliance with regards to the city's municipal separate storm sewer system (MS4)

Specifically, the EAP:

- Establishes guidelines for appropriate enforcement actions to ensure consistent and equitable responses and that violations are corrected in a timely manner;
- Identifies the City staff members responsible for responding to instances of noncompliance; and
- Reflects the City's responsibility to enforce all applicable standards and requirements to protect human health, the storm sewer system, and the Columbia River.

II. References

1. Clean Water Act (33 U.S.C. 1251 et seq.)
2. Wenatchee City Code 4.10

III. Administration

The EAP will be administered by the Environmental Manager under the supervision of the Public Works Director. Documentation of inspections and enforcement actions will be kept electronically and in files maintained by the Environmental Division. Staff responsibilities for responding to violations and enforcement actions can be found in Appendix A: Enforcement Response Guide.

IV. Means of Detection

Instances of noncompliance will be detected by the following means:

1. Detection by city staff
2. Notification of a spill/accidental discharge
3. Complaint by a citizen or business
4. Detection through random & targeted monitoring
5. Detection during an inspection of an industrial or commercial facility

V. Investigation & Response

A. Investigation

Investigations will be conducted in accordance with the Illicit Discharge Detection and Elimination Response Plan.

B. Response

The City of Wenatchee will respond on average within 7 days. Illicit connections and discharges to the storm sewer system involving hazardous materials must be investigated no later than 21 days from the time of the initial report or discovery. Suspected violations and complaints will be thoroughly investigated before enforcement action is taken.

VI. Enforcement Actions

A. Available Enforcement Actions

The following enforcement actions (EA) are allowed by Wenatchee City Code 4.10:

- Voluntary Compliance Agreement (VCA)
- Notice of Violation (NOV)
- Emergency Cease and Desist Orders
- Suspension of Storm Sewer Services
- Compensatory Action
- Recovery of Costs
- Civil Penalties
- Criminal Prosecution

In addition, the City has the right to take any, all or any combination of these actions concurrently or sequentially against a non-compliant user or take other actions as warranted by the circumstances.

When a violation is presented to the code enforcement board, the person receiving the violation has a right to speak at the hearing and appeal the decision of the board. The decision of the code enforcement board shall be final unless within 21 days of the date of the decision a valid land use petition is filed with the superior court of Washington for Chelan County seeking judicial review pursuant to the requirements of the laws of the state of Washington. In the case of a VCA, the right to an appeal is waived.

B. Criteria for determining EA

The following criteria along with the Enforcement Response Guide in Appendix A will be used to determine the appropriate EA:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the Columbia River
- Effect of the violation on the storm sewer system
 - Causes damage to the system
 - Causes a violation of the NPDES permit
- Compliance history of the person(s)
- Good faith of the person(s)

If a person appears to be acting in good faith to comply with the requirements, enforcement actions should be on a more cooperative level than if the person does not appear to be acting in good faith. However, one should be aware that the Clean Water Act requires exemplary efforts to comply with its requirements in a timely way. Congress expresses the standard by which good faith must be measured:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business as usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time.

Legislative History of the Clean Water Act

Number 95-14, Volume 3, Page 463

Therefore, if a person challenges a requirement and delays progress toward compliance, the person is assuming the risk that it will be upheld on judicial review. If a decision is not made

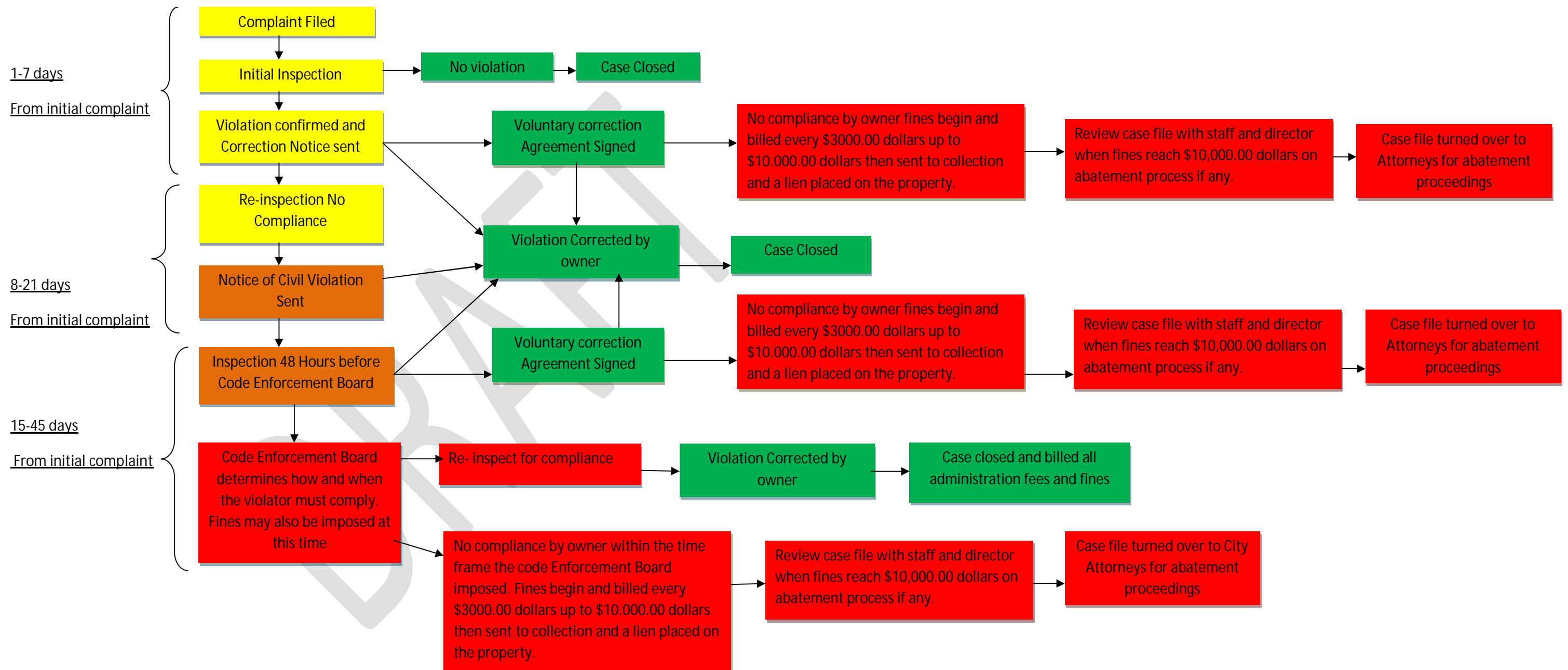
in favor of the person and it is only after the adverse decision that the person proceeds aggressively to come into compliance, the person cannot be considered to have acted in good faith. Additionally, if a person follows business as usual procedures, it cannot be considered to have acted in good faith.

C. Reporting to Department of Ecology

The following instances of the noncompliance will be reported to the appropriate division of the WA State Department of Ecology:

- Violations resulting in NPDES permit violations
- Violations involving hazardous waste

Code Enforcement Flow Chart For Compliance



Appendix C

List of Priority Areas and Outfalls

City of Wenatchee

List of Priority Areas and Outfalls

Fourteen outfalls are located within Wenatchee city limits and discharge to the Columbia River or infiltration facilities. These locations have been separated into three levels of Priority (High, Medium, and Low). The outfalls within each of the three levels were then prioritized. The following criteria were used for prioritizing the outfalls:

1. *Potential public risk*
2. *Potential for erosion or damage to the outfall*
3. *Land Use*
 - a. *Commercial Industrial*
 - b. *Residential*
4. *Past illicit discharges*

The Field Assessment Prioritization List is as follows:

I. High Priority

- a. *Ninth*
- b. *Chehalis*
- c. *First*
- d. *Fifth*
- e. *Walla Walla*
- f. *Maiden*

II. Medium Priority

- a. *Thurston*
- b. *Peachy*
- c. *Snohomish*

III. Low Priority

- a. *Worthen*
- b. *Hawley*
- c. *Yakima*
- d. *Stevens*
- e. *Crawford*

Appendix D

Recordkeeping Forms

Outfall Field Survey Report

OUTFALL NAME _____ DATE _____

TIME _____

DIRECTIONS _____

WEATHER _____ SAFETY HAZARDS _____

INSPECTORS _____

	Y	N
OUTFALL VISIBLE	<input type="checkbox"/>	<input type="checkbox"/>
UNDER WATER	<input type="checkbox"/>	<input type="checkbox"/>
FLOW	<input type="checkbox"/>	<input type="checkbox"/>
DYE TESTED	<input type="checkbox"/>	<input type="checkbox"/>
DYE FOUND	<input type="checkbox"/>	<input type="checkbox"/>

NOTES: _____

PICTURES TAKEN	<input type="checkbox"/>	<input type="checkbox"/>
SAMPLES TAKEN	<input type="checkbox"/>	<input type="checkbox"/>
NEEDS MAINTENANCE	<input type="checkbox"/>	<input type="checkbox"/>
GPS POINT ACCURATE	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS: _____

INSPECTOR SIGNATURE _____

DATE _____

INSPECTOR SIGNATURE _____

DATE _____

Appendix C2

Illicit Discharge Detection and Elimination Ordinance

This program element is not yet complete. The permit requires that the Cities and Counties develop an IDDE ordinance by August 4, 2009. A preliminary working draft of the IDDE ordinance is in Volume II.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

Ordinance No. TLS 09-06-37B

Adoption of an IDDE)
Illicit Discharge Detection)
Elimination Code)

STORMWATER

WHEREAS, RCW Title 36 authorizes the Douglas County Board of Commissioners to create and amend the County Code; and

WHEREAS, the Douglas County (the "County") is regulated under the Washington State Department of Ecology's Eastern Washington Phase II Municipal Stormwater Permit (the "Permit"); and

WHEREAS, the County will be adopting code policies and procedures as needed to comply with the Permit; and

WHEREAS, the Permit requires that an Illicit Discharge Detection and Elimination regulations must be developed and adopted to prohibit non-stormwater discharges into the municipal separate storm sewer system (MS4) and authorize enforcement actions, including on private property, and

WHEREAS, the proposed Illicit Discharge Detection and Elimination chapter becomes an addition to the Douglas County Code intended to meet Condition S5.B.3 of the Permit with the goal of improving and maintaining water quality in compliance with the Clean Water Act; and

WHEREAS, illicit discharges and connections to the County stormwater system and facilities may adversely affect stormwater quality, generate stormwater runoff, and otherwise necessitate stormwater regulation and management and burden the stormwater systems; and

WHEREAS, the County, in partnership with Chelan County and the Cities of Wenatchee and East Wenatchee, developed regulations to provide local consistency with minimal permit compliance, and

WHEREAS, stakeholders have been invited to participate in the ordinance development, and

WHEREAS, the Board of Commissioners have conducted a duly advertised public hearing to consider proposed amendments; and

WHEREAS, With respect to the State Environmental Policy Act of 1971 a determination of non-significance, issued July 14, 2009, with a 14 day comment period, with the comment period ending July 30, 2009, has been entered into the record,

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED, that the Board of County Commissioners hereby adopts the above Findings of Fact and adopts an amendment to the Douglas County Code by adding a new chapter for Illicit Discharge Detection and Elimination as set forth in the attached Exhibit A and incorporated fully herein by this reference.


This Ordinance shall become effective August 16, 2009.

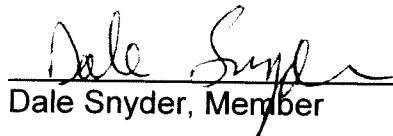
Dated this 4th day of August, 2009 in Waterville, Washington.

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, WASHINGTON

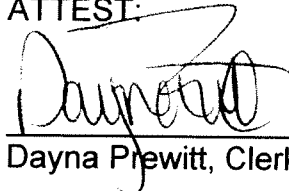



Mary Hunt, Chair


Ken Stanton, Vice Chair


Dale Snyder, Member

ATTEST:


Dayna Prewitt, Clerk of the Board

CHAPTER XX.XX
STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTIONS:

- XX.XX.010 Purpose**
- XX.XX.020 Definitions**
- XX.XX.030 Applicability**
- XX.XX.040 Responsibility for Administration**
- XX.XX.050 Ultimate Responsibility**
- XX.XX.060 Discharge Prohibitions**
- XX.XX.070 Watercourse Protection**
- XX.XX.080 Right of Entry**
- XX.XX.090 Requirement to Prevent, Control and Reduce Stormwater Pollutants**
- XX.XX.100 Spills**
- XX.XX.110 Investigation**
- XX.XX.120 Violations, Enforcement and Penalties**
- XX.XX.130 Fees**
- XX.XX.140 Costs of Abatement – Special Assessment**
- XX.XX.150 Remedies Cumulative and not Exclusive**
- XX.XX.160 Other Regulations**
- XX.XX.170 Severability**

XX.XX.010 Purpose

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of Douglas County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods to regulate the County's storm sewer system, including municipal separate storm sewer system (MS4) and Underground Injection Control (UIC) facilities; controlling the introduction of pollutants, in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit. The objectives of this chapter are:

- 1) To prevent and control the contribution of pollutants.
- 2) To prohibit illicit connections and discharges.
- 3) To establish legal authority to carry out inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

XX.XX.020 Definitions

For the purposes of this chapter, the following shall mean:

1. "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
2. "Clean Water Act" shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

3. "Construction Activity" shall mean activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects less than one acre that have the potential to discharge runoff to the County's storm drain system. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
4. "County" shall mean Douglas County, Washington, a political subdivision of the State of Washington, acting by and through the Board of County Commissioners, unless such authority shall be delegated to other persons.
5. "Good Housekeeping Practices" shall mean simple common sense, Best Management Practices which tend to focus more on the human side versus the technical side. Such activities include but are not limited to waste segregation, preventative maintenance, training and awareness, tidiness and safety.
6. "Hazardous Materials" shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when not properly treated, stored, transported, disposed of, or otherwise managed.
7. "Illicit Discharge" shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in of this chapter.
8. "Illicit Connections" shall mean:
 - a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the County; or
 - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the County.
9. "Industrial Activity" shall mean activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).
10. "Maximum Extent Practicable (MEP)" is a term specified, but not yet defined by EPA, but is intended to be flexible to allow the development of site-specific conditions based upon the best professional judgment of the regulatory authority. MEP means that less effective treatment may not be substituted when it is practicable to provide more effective treatment.
11. "Municipal Separate Storm Sewer System (MS4)" shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm

drains) owned and operated by the County and designed or used for collecting or conveying stormwater.

12. "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" shall mean a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States or State, whether the permit is applicable to a person or group, or on a general area-wide basis.
13. "Non-Stormwater Discharge" shall mean any discharge to the storm drain system that is not composed entirely of stormwater.
14. "Owner, occupier or operator" shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as with the owner or as the owner's agent.
15. "Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner's agent.
16. "Pollutant" shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
17. "Premises" shall mean any building, structure, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
18. "Storm Drainage System or storm water drainage system" shall mean publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, underground injection control facilities and other drainage structures.
19. "Stormwater" shall mean runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.
20. "Stormwater Management Plan" shall mean a document which describes the Best Management Practices and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or waters of the State to the Maximum Extent Practicable.

21. "Underground Injection Control" or "UIC" or "UIC well" means a manmade sub-surface fluid distribution system designed to discharge fluids into the ground and consists of an assemblage of perforated pipes, drain tiles or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. A public UIC is one owned, operated and maintained by the county and includes the collection system of catch basins, pipes, ditches, or other public infrastructure that collects and conveys stormwater to the UIC.
22. "Waters of the State" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "waters of the State" as defined in Chapter 90.48 RCW which includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.
23. "Watercourse" shall mean any portion of a channel, bed, bank, or bottom below the ordinary high waterline of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, stormwater run-off devices, or other artificial watercourses, except where they exist in a natural watercourse which has been altered by humans. a stream or established drainage for stormwater.

XX.XX.030 Applicability

This chapter shall apply to any discharge entering the stormwater drainage system, within the County's jurisdiction.

XX.XX.040 Responsibility for Administration

Administration, implementation, interpretation and enforcement of this chapter shall be the responsibility of the County Engineer or the County Engineer's designated representative. The County Engineer is granted broad discretion in the administration of this chapter. The County Engineer may adopt, and revise as necessary, such instructions, policies and forms as are necessary to carry out the provisions of this title. Any powers granted or duties imposed upon the County may be delegated by the County Engineer to persons or entities acting in the beneficial interest of or in the employ of the County.

XX.XX.050 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this chapter are minimum standards and are not intended to ensure compliance by any person or to ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

XX.XX.060 Discharge Prohibitions

Any non-stormwater discharge to the storm drain system is prohibited except as described in this chapter.

A. Prohibition of Illegal Discharges

No person shall dispose of, drain or otherwise discharge, cause or allow others under the person's control to dispose of, drain or otherwise discharge any pollutants or waters containing any pollutants. Prohibited discharges including without limitation the following:

- a) Trash or debris;
- b) Construction materials, including but not limited to, cement and concrete;
- c) Petroleum products including but not limited to, oil, gasoline, grease, fuel oil, heating oil,
- d) Antifreeze and other automotive products;
- e) Metals in excess of naturally occurring amounts, in either particulate or dissolved form;
- f) Flammable or explosive materials;
- g) Chemicals not normally found in uncontaminated water;
- h) Acids, alkalis, or bases;
- i) Painting products;
- j) Degreasers and/or solvents;
- k) Drain cleaners;
- l) Commercial and household cleaning products;
- m) Pesticides, herbicides, or fertilizers;
- n) Steam cleaning wastes;
- o) Pressure washing wastes;
- p) Soaps, detergents, or ammonia;
- q) Chlorinated spa or swimming pool water;
- r) Domestic or sanitary sewage;
- s) Discharge carry pollutants from roof downspouts system;
- t) Animal carcasses;
- u) Food wastes
- v) Yard wastes;
- w) Silt, sediment, or gravel
- x) Domestic animal wastes;
- y) Recreational vehicle wastes;
- z) Any hazardous material or waste not listed above;
- aa) Wastewater or process wastewater (including filtered or purified wastewaters);

B. Conditional Discharges

(1) The following discharges are exempt from discharge prohibitions established by this chapter:

- a) Diverted stream flows;
- b) Rising ground waters;
- c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- d) Uncontaminated pumped ground water;
- e) Foundation drains;
- f) Air conditioning condensation;
- g) Irrigation water from agricultural sources that is commingled with urban stormwater;
- h) Springs;
- i) Water from crawl space pumps;
- j) Footing drains;
- k) Flows from riparian habitats and wetlands; and
- l) Emergency firefighting activities.

(2) Discharge prohibitions shall not apply to any non-stormwater discharge permitted under a NPDES permit issued to the discharger and administered under the authority of the Washington State Department of Ecology, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the County.

(3) The following non-stormwater discharges are prohibited, unless the stated conditions are met:

- a) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments;
- b) Discharges from lawn watering and other irrigation runoff shall be kept to a minimum and shall not cause damage to public streets or sidewalks;
- c) Swimming pool discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments. Swimming pool cleaning wastewater and filter backwash are prohibited from being discharged;
- d) Street and sidewalk wash water, water used to control dust, and routine external building wash down shall not contain soaps or detergents and shall be kept to a minimum. Practices shall be implemented prior to washing to reduce pollutants including but not limited to sweeping, picking up litter and controlling velocity of discharge.

e) Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan which addresses control of such discharges.

f) Dye testing is an allowable discharge, but requires a verbal notification to the County forty-eight (48) hours prior to the time of the test.

(4) Notwithstanding subsections (1), (2) and (3), non-stormwater discharges otherwise allowed are prohibited if such discharges constitute a significant source of pollutants.

C. Prohibition of Illicit Connections

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the stormwater system, or allows such a connection to continue.

(4) Improper connections in violation of this chapter must be disconnected and redirected to an approved (on-site or off-site) wastewater management system.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent submittals shall be located by the owner or occupier upon receipt of written notice of violation by the County. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be completed, the drain or conveyance shall be identified as storm sewer or other type of conveyance, and the outfall location or point of connection to the storm sewer system or other discharge point shall be identified. Results of these investigations are to be documented and provided to the County.

(6) Waste Disposal: No person shall dispose of, deposit, leave, maintain, or keep in or upon any public or private property, the stormwater drainage system, or waters of the State, any refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles or accumulations that may cause or contribute to pollution of the stormwater system or waters of the State. Wastes deposited in proper waste receptacles for the purpose of collection are exempt from this prohibition.

XX.XX.070 Watercourse Protection

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or occupier shall not maintain privately owned structures within or adjacent to a watercourse that present a present or future hazard to the use, function, or physical integrity of the watercourse.

XX.XX.080 Right of Entry

A. Inspection and Sampling

The County shall be permitted to enter and inspect premises subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

(1) The County shall have access to all parts of the premises for the purposes of inspection, sampling and examination of discharges to the stormwater system, and the performance of any additional duties as defined by State and Federal law.

(2) The County has the right to set up such devices as are necessary to conduct monitoring and/or sampling of the premises' stormwater discharge.

(3) The County has the right to require an owner or occupier of premises to install such sampling and monitoring equipment, as the County deems necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or occupier at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or occupier upon the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be paid by the owner or occupier.

B. Search Warrants

If the County has been refused access to any part of the premises from which stormwater is discharged, and the County is able to demonstrate probable cause to believe that there is a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the County shall obtain a search warrant from the Superior Court authorizing entry for the purpose of implementing the requirements of this chapter.

C. Emergency Access

In the event the violation constitutes an immediate danger to public health or public safety, the County is authorized to enter upon private property, without giving prior notice, to take any and all measures necessary to abate the violation. The County shall be entitled to recover all costs of abatement from the owner or occupier.

XX.XX.090 Requirement to Prevent, Control and Reduce Stormwater Pollutants

The owner or occupier of any activity, operation or facility that may cause or contribute to pollution or contamination of stormwater or the storm drainage system shall provide, at the owner's or occupier's expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for property that is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

XX.XX.100 Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State, the person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of hazardous materials, the responsible person shall immediately notify emergency response agencies and the County of the occurrence. In the event of a release of non-hazardous materials, the responsible person shall immediately notify the County.

XX.XX.110 Investigation

The County shall investigate reports of illicit discharges. The County's first priority for investigation and resolution are health and safety. Investigation of a violation of this chapter may be initiated by the County upon observation or report of any suspected violation. The investigation shall determine if an illicit connection or illicit discharge exists.

XX.XX.120 Violations, Enforcement and Penalties

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the requirements of this chapter may be subject to the enforcement actions outlined in this chapter. The issuance of a notice of violation shall not excuse the violation or permit it to continue.

A. Notice of Violation and Order

The County Engineer shall issue a notice of violation and order if it is reasonably believed that a violation of this chapter has been committed. The notice of violation and order shall include the date, time and location of the violation, the name and address of the property owner, the name and address of the person believed to have committed the violation, a description of the violation, and an order describing the actions required to comply with this chapter, together with a date when such actions must be completed. The notice of violation and order shall be served on the owner or occupier of the property and the person believed to have committed the violation by certified mailed, return receipt requested, with an additional copy served by regular mail. A copy shall also be posted on the property.

B. Enforcement

- (1) The County may pursue reasonable attempts to secure voluntary compliance or corrections failing which, a notice of violation shall be issued.
- (2) Civil Infraction: Any person who fails to comply with a notice of violation and order commits a civil infraction subject to a maximum civil penalty of \$250. Each day of non-compliance shall constitute a separate offense.
- (3) Criminal Penalty: Any person who willfully fails to comply with two or more notices of violation and orders with a twelve (12) month period shall commit a misdemeanor criminal offense having a penalty of not more than ninety (90) days in jail and/or a fine of \$1,000.
- (4) Civil Relief: Any person who fails to comply with a notice of violation and order shall be subject to a civil action for injunctive relief, abatement of the violation, and/or a civil penalty of \$50 per day for each day on non-compliance.
- (5) In lieu of or in conjunction with enforcement proceedings, penalties and remedies authorized by this chapter, the County may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, or other alternative actions deem appropriate.

C. Appeals:

- 1) An appeal of the notice of violation and order may be made to the Hearing Examiner by filing a notice of appeal within fourteen days after issuance of the notice of violation and order, and payment of the applicable appeal fees. The request must contain a copy of the written notice, and the name, address and telephone number of the person requesting the hearing. The request must also include a brief description of the reason the person believes there is no violation. This request will be mailed to the County who will set the hearing date.
- 2) Failure of any person to file a timely appeal or failure of any person, who has filed an appeal to attend the scheduled hearing, shall constitute a waiver of his or her right to an appeal hearing.
- 3) Filing of an appeal shall stay the enforcement of any notice of civil violation, order to abate, collection of fine, penalties or assessments during the pendency of such appeal except as otherwise provided.

D. Suspension of Access

1. Emergency Cease and Desist Orders

When the County finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the County may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- a) Immediately comply with all code requirements; and
- b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the County may take such steps as deemed necessary to prevent or minimize harm to the storm water system or waters of the State, and/or endangerment to persons or to the environment. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

2. Suspension due to Illicit Discharges in Emergency Situations

The County may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm water system or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the County may take such steps as deemed necessary to prevent or minimize damage or to minimize danger to persons.

3. Suspension due to the Detection of Illicit Discharge

Any person discharging in violation of this chapter may have their access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the County.

XX.XX.130 Fees

Violators are subject to Illicit Discharge Detection and Elimination Investigative Fees and as shall be established by resolution of the Board of Commissioners.

XX.XX.140 Costs of Abatement – Special Assessment

A person violating this chapter shall pay all abatement expenses incurred by the County, including attorney's fees and court costs. Where the violation of this chapter occurs as a result of activity on real property, such abatement expenses shall also constitute a lien upon the real property real property as a special assessment that shall be due and payable in the same manner as real property taxes.

XX.XX.150 Remedies Cumulative and not Exclusive

All remedies provided by this chapter are in addition to any other remedy provided by law, and all remedies are cumulative.

XX.XX.160 Other Regulations

This chapter is not intended to modify or repeal any other rule, regulation or provision of law. The requirements of this chapter are in addition to the requirements of any other chapter, rule, regulation or other provision of law. Where a conflict arises, whichever provision is more restrictive or imposes greater protection of health, welfare, public safety or the environment shall control.

XX.XX.170 Severability

The provisions of this chapter are hereby declared to be severable and if any provision of this chapter or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

ORDINANCE NO. 2009-14

AN ORDINANCE OF THE CITY OF EAST WENATCHEE AMENDING THE HEADING OF TITLE 13 OF THE EAST WENATCHEE MUNICIPAL CODE, ADDING NEW CHAPTERS 13.05 AND 13.20, PROVIDING STORM WATER DEFINITIONS, ESTABLISHING REGULATIONS FOR PROHIBITING ILLICIT DISCHARGES TO THE STORM WATER SYSTEM AND PROVIDING PROCEDURES FOR INSPECTION, SURVEILLANCE, MONITORING AND ENFORCEMENT INCLUDING PENALTIES FOR VIOLATIONS, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO ORDAIN AS FOLLOWS:

Section 1: Purpose.

- (1) The City of East Wenatchee ("City") is a non-charter code city duly incorporated and operating under the laws of the State of Washington.
- (2) The City Council finds that it is in the best interests of the City and its citizens to amend Title 13 of the East Wenatchee Municipal Code ("EWMC") and adopt a stormwater management ordinance regulating discharges to the municipal separate storm sewer system ("MS4") for the following reasons.
 - (a) On January 17, 2007, the Washington State Department of Ecology (DOE) issued the Eastern Washington Phase II Municipal Stormwater Permit - National Pollutant Discharge Elimination System ("NPDES") and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington. The permit was modified on June 17, 2009. In accordance with Section S5 of the permit, the City is required to develop, implement and enforce a program to detect and eliminate illicit discharges ("IDDE") within 30 months of the effective date of the NPDES Phase II Permit.
 - (b) An expanding population and increased development of land have led to water quality degradation through the introduction of nutrients, metals, oil and grease, toxic materials, and other detrimental substances from uncontrolled discharges of non-stormwater runoff into the City's stormwater system.
 - (c) Continuation of non-stormwater discharges into the City stormwater system, will lead to further water quality degradation, erosion,

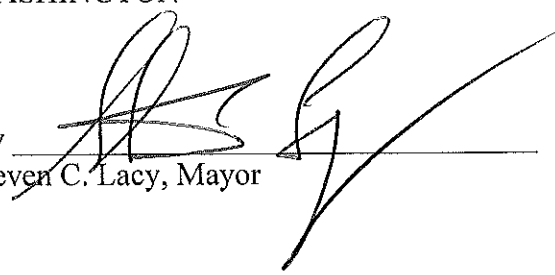
property damage, and endanger the health and safety of the inhabitants of the City.

- (d) Identification and elimination of non-stormwater discharges will protect the City's stormwater system and improve water quality of surface and groundwater that may come into contact with stormwater from the City's system.

- Section 2: Authority. RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs as appropriate to the good government of the City.
- Section 3: Amendment 1. The City Council amends the heading of Title 13 to read as follows:
- SURFACE AND STORM WATER MANAGEMENT
- Section 4: Amendment 2. The Council adds Chapter 13.05 – Definitions to the East Wenatchee Municipal Code as set forth in Appendix "A".
- Section 5: Amendment 3. The Council adds Chapter 13.~~00~~²⁰ - Stormwater Illicit Discharge Detection and Elimination to the East Wenatchee Municipal Code as set forth in Appendix "B".
- Section 6: Findings of Fact. The City Council adopts by reference the findings of fact and conclusions as set forth in the attached Exhibit "C".
- Section 7: Severability. If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.
- Section 8: Publication. The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance.
- Section 9: Effective Date. This Ordinance becomes effective five days after the date its summary is published.

Passed by the City Council of East Wenatchee, at a regular meeting thereof on 25th day of August, 2009.

CITY OF EAST WENATCHEE,
WASHINGTON

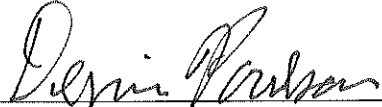
By 
Steven C. Lacy, Mayor

ATTEST:

ORDINANCE NO. 2009-14
Draft 8/10/09
Page 2

Dana Barnard, City Clerk

Approved as to form only:



Devin Poulson, City Attorney

FILED WITH THE CITY CLERK: 08/20/09
PASSED BY THE CITY COUNCIL: 08/25/09
PUBLISHED: 08/28/09
EFFECTIVE DATE: 09/02/09
ORDINANCE NO: 2009-14

SUMMARY OF ORDINANCE NO. 2009-14
Of the City of East Wenatchee, Washington

On the 25th day of August, 2009, the City Council of the City of East Wenatchee, Washington, passed Ordinance No. 2009-14. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EAST WENATCHEE AMENDING THE HEADING OF TITLE 13 OF THE EAST WENATCHEE MUNICIPAL CODE, ADDING NEW CHAPTERS 13.05 AND 13.20, PROVIDING STORM WATER DEFINITIONS, ESTABLISHING REGULATIONS FOR PROHIBITING ILLICIT DISCHARGES TO THE STORM WATER SYSTEM AND PROVIDING PROCEDURES FOR INSPECTION, SURVEILLANCE, MONITORING AND ENFORCEMENT INCLUDING PENALTIES FOR VIOLATIONS, CONTAINING A SEVERABILITY CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

Dated: August 25, 2009

CITY CLERK, DANA BARNARD

Chapter 13.05
DEFINITIONS

13.05.010 Purpose and applicability

The purpose of this chapter is to provide a primary source for the definition of terms used in Titles 13, 15, 16, 17, and 18 of the East Wenatchee Municipal Code. The definitions herein are applicable to those titles within the context of their use. These definitions do not supersede or replace the definitions of other terms found in the enumerated titles.

13.05.020 Definitions

A. "A" Definitions

1. "All Known, Available, and Reasonable" ("AKART") means methods of prevention, control, and Treatment. The most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. Best Management Practices (BMPs) typically applied to nonpoint source pollution controls are considered a subset of the AKART requirement. The Stormwater Management Manual for Eastern Washington may be used as a guideline, to the extent appropriate, for developing best management practices to apply AKART for storm water discharges. AKART and Best Available Treatment (BAT) are roughly equivalent state and federal terms for the same concept.

B. "B" Definitions

1. "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, and structural and/or managerial practices approved by the City that, when used singly or in combination, prevent or reduce the release of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems.

C. "C" Definitions

1. "City" means the city of East Wenatchee, Washington, a municipal corporation of the state of Washington, acting by and through its city council, unless such authority shall be delegated to other persons.

2. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

3. "Construction Activity" means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects less than one acre that have the potential to discharge runoff to the County's storm drain system. Such activities

include but are not limited to clearing and grubbing, grading, excavating, and demolition.

D. "D" Definitions

1. "Director" means the city of East Wenatchee public works director who is charged with certain duties and responsibilities by this chapter, or any other person the director may appoint.

2. "Discharge" means runoff leaving the premises via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.

E. "E" Definitions

1. "Existing condition" means the impervious surfaces, drainage systems, land cover, native vegetation and soils that exist at the site with approved permits and engineering plans when required. If sites have impervious areas and drainage systems that were built without approved permits, then the existing condition is defined as those that existed prior to the adoption of this Manual. These conditions can be verified by record aerial photography, or other methods

F. "F" Definitions

1. "Flow path" means the route that stormwater runoff follows between two points of interest.

G. "G" Definitions

1. "Good Housekeeping Practices" means simple common sense, Best Management Practices which tend to focus more on the human side versus the technical side. Such activities include but are not limited to waste segregation, preventative maintenance, training and awareness, tidiness and safety.

2. "Groundwater" means Water in a saturated zone or stratum beneath the surface of the land or below a surface water body

H. "H" Definitions

1. "Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

2. "Hyperchlorinated" means water that contains more than 10 mg/Liter of chlorine.

I. "I" Definitions

1. "Illicit Discharge" means any direct or indirect discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except discharges pursuant to a NPDES permit and discharges exempted in EMMC 13.20.050.

2. "Illicit Connection" means either of the following:

a. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city or,

b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the city.

3. "Industrial Activity" means manufacturing, processing or raw materials storage areas at an industrial plant. These activities are subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).

J. "J" Definitions- reserved

K. "K" Definitions- reserved

L. "L" Definitions- reserved

M. "M" Definitions- reserved

1. "Material Storage Facilities" means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, craters, or other means.

2. "Maximum Extent Practicable" ("MEP") refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act, which reads as follows: "Permits for discharges from municipals storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.

3. "Municipal Separate Storm Sewer System (MS4)" means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of East Wenatchee and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

N. "N" Definitions

1. "National Pollutant Discharge Elimination System (NPDES) Permit" means the national a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

2. "New development" means the conversion of previously undeveloped or pervious surfaces to impervious surfaces and managed landscape areas not specifically exempt. Projects that add new lanes on an existing roadway or otherwise expand the pavement edge are included in the definition of new development.

3. "Non-Stormwater Discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

O. O Definitions

1. "Outfall" means point source as defined in 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances with connect segments of the same stream or other waters of the State and are used to convey water of the State.

P. "P" Definitions

1. "Person" means any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner's agent.

2. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

3. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Q. "Q" Definitions

1. "Qualified Personnel" means staff members or contractors who have had professional training in the aspects of stormwater management for which they are responsible and are under the function control of the City.

R. "R" Definitions

1. "Runoff" means water that travels across the land surface, or laterally thought the ground near the land surface, and discharges to water

bodies either directly or through a collection and conveyance system. Runoff includes stormwater and water from other sources that travels across the land surface.

S. "S" Definitions

1. "Storm Drainage System" means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

2. "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

3. "Stormwater Management Manual for Eastern Washington" means the technical manual (Publication No. 04-10-076) published by the Department of Ecology in September 2004.

4. "Stormwater Management Program" means a set of actions and activities designed to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of the NPDES Phase II Permit and any additional actions necessary to meet the requirements of applicable TMDLs.

T. "T" Definitions

1. "Total Maximum Daily Load" ("TMDL"), also known as a "Water Cleanup Plan." A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

U. "U" Definitions

1. "Underground Injection Control" ("UIC") means the federal regulatory program established to protect underground sources of drinking water from UIC well discharges. A UIC well is defined as a bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or a subsurface fluid distribution system which includes an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground. Examples of UIC wells or a subsurface

infiltration systems are drywells, drain fields, catch basins, pipe or french drains, and other similar devices that discharge to ground.

V. "V" Definitions- reserved

W. "W" Definitions

1. "Water quality" is a term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

2. "Water quality standards" means the minimum requirements of purity of water for various uses; levels or measures of water quality considered necessary to protect a beneficial use. In Washington State, the Department of Ecology sets water quality standards.

3. "Waters of the state" includes those waters as defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "waters of the state: as defined in Chapter 90.48 RCW with includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, wetlands, and all other surface waters and watercourses within the jurisdiction of the state of Washington

X. "X" Definitions - reserved

Y. "Y" Definitions- reserved

Z. "Z" Definitions- reserved

**Chapter 13.20
STORMWATER ILLICIT DISCHARGE
DETECTION AND ELIMINATION**

- 13.20.010 PURPOSE**
- 13.20.020 APPLICABILITY.**
- 13.20.030 RESPONSIBILITY FOR ADMINISTRATION.**
- 13.20.040 DISCHARGE PROHIBITIONS.**
- 13.20.050 COMPLIANCE MONITORING**
- 13.20.060 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE
STORMWATER POLLUTANTS BY THE USE OF BEST
MANAGEMENT PRACTICES.**
- 13.20.070 SPILLS.**
- 13.20.080 VIOLATIONS, ENFORCEMENT, AND PENALTIES.**
- 13.20.090 COST OF ABATEMENT OF THE VIOLATION.**
- 13.20.100 REMEDIES NOT EXCLUSIVE.**
- 13.20.110 COMPATIBILITY WITH OTHER REGULATIONS.**
- 13.20.120 ULTIMATE RESPONSIBILITY.**

13.20.010 PURPOSE

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the city of East Wenatchee through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The purposes of this chapter are:

- To maintain and improve the quality of surface water and groundwater within the city.
- To prohibit illicit connections and discharges to the MS4.
- To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city
- To establish legal authority to regulate the contribution of pollutants to the MS4 through inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.
- To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites,

pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city.

- To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges

13.20.020 APPLICABILITY.

This chapter shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by this chapter.

13.20.030 RESPONSIBILITY FOR ADMINISTRATION.

The Director of the Public Works Department is authorized to administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the city may be delegated by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the city.

13.20.040 DISCHARGE PROHIBITIONS.

A. Prohibition of Illicit Discharges and Exceptions.

Except as provided below, all discharges which are not composed entirely of stormwater are illicit discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge either directly or indirectly into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this chapter:

- a. Diverted stream flows,
- b. Rising ground waters,
- c. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- d. Uncontaminated pumped ground water,
- e. Foundation drains,
- f. Air conditioning condensation,
- g. Irrigation water from agricultural sources that is commingled with urban stormwater,
- h. Springs,
- i. Water from crawl space pumps,
- j. Footing drains,
- k. Flows from riparian habitats and wetlands,

1. Emergency firefighting activities but not from activities not related to firefighting such as the maintenance or cleaning of firefighting equipment.

2. The prohibitions in this chapter shall not apply to any non-stormwater discharge permitted under an NPDES permit issued to the discharger and administered under the authority of the Washington State Department of Ecology, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the city.

3. The following non-stormwater discharges shall not be considered illegal discharges for the purposes of this chapter if they meet the stated conditions, or unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

a. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4;

b. Discharges from lawn watering and other irrigation runoff shall be kept to a minimum and shall not cause damage to public streets or sidewalks;

c. Swimming pool discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted and re-oxygenated if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash are prohibited from discharge to the MS4;

d. Street and sidewalk wash water, water used to control dust, and routine external building wash down shall not contain soaps or detergents and shall be kept to a minimum. Practices shall be implemented prior to washing to reduce pollutants entering the MS4 including but not limited to sweeping, picking up litter and controlling velocity of discharge.

e. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the city which addresses control of such discharges.

4. The non-stormwater discharges from the sources listed above shall be considered illicit discharges if the Director determines that the type of discharge, whether singly or in combination with others, is causing or contributing to a violation of the City's NPDES stormwater permit or is causing or contributing to a water quality problem, such as those which contain more contamination than typical discharges in the City, or which contain a type of contamination that is

more toxic or is otherwise a more serious problem than typical discharges in the City.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the city.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

13.20.050 COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling.

The director shall be permitted to enter and inspect premises subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

1. The director shall be allowed ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

2. The director shall have the right to set up on any premise such devices as are necessary to conduct monitoring and/or sampling of discharges from the site.

3. The director has the right to require the owner or operator to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator. All devices used to measure flow and quality shall be calibrated to ensure accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner of the premise.

B. Search Warrants.

If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

13.20.060 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of such activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater or the storm drainage system shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed compliance with the provisions of this section.

13.20.070 SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the City's Public Works Department in person or by phone, email or facsimile.

13.20.080 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

A. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the

enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the city is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The city is authorized to seek costs of the abatement in accordance with EMMC 8.20.120.

B. Enforcement

Enforcement action shall be taken in accordance with the provisions of Chapter 8.20 EMMC.

C. Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the city.

D. Suspension of MS4 Access.

1. Emergency Cease and Desist Orders

When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

a. Immediately comply with all chapter requirements; and

b. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

2. Suspension due to Illicit Discharges in Emergency Situations

The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the

environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

3. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city.

13.20.090 COST OF ABATEMENT OF THE VIOLATION.

The owner of the property or person responsible for the violation will be notified of the cost of abatement, including administrative costs. Payment in full shall be due within thirty (30) days and on the 31st day interest may be applied at a rate of eight percent per annum. After ninety (90) days, if payment in full has not been received, a lien may be filed on the property and foreclosed as provided in Chapter 35.67 RCW. The director may approve a payment plan of equal payments evenly spaced over no more than twelve (12) months.

13.20.100 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this chapter, including but not limited to sampling and monitoring expenses.

13.20.110 COMPATIBILITY WITH OTHER REGULATIONS.

This chapter is not intended to modify or repeal any other chapter, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other chapter, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

13.20.120 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

Findings of Fact

1. The City of East Wenatchee is regulated under the National Pollutant Discharge Elimination System ("NPDES") Phase II Program administered by the Washington State Department of Ecology (DOE). The City's Eastern Washington Phase II Municipal Stormwater Permit - and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington was issued on January 17, 2007 and was subsequently modified on June 17, 2009. In accordance with Section S5 of the permit, the City is required to develop, implement and enforce a program to detect and eliminate illicit discharges ("IDDE") within 30 months of the effective date of the NPDES Phase II Permit.
2. Public Involvement. The City, in partnership with Chelan County, Douglas County and the City of Wenatchee adopted a Public Involvement, Education and Outreach Plan in February 2008.
 - a) A public open house was held on March 4, 2008 at the Wenatchee Convention Center.
 - b) A Steering Committee was formed involving a diverse group of people representing various businesses, agencies and local citizens. The Steering Committee held meetings in 2008 (March 26, April 16, and December 3) to review various documents related to the Wenatchee Valley Stormwater Program including the draft of the IDDE ordinance.
 - c) A duly advertised public hearing was held by the City Council on August 25, 2009 to obtain public comment on the proposed ordinance.
3. Environmental Review. An Environmental Checklist was prepared on July 20, 2009. A threshold determination and environmental review pursuant to RCW 43.21C the State Environmental Policy Act was completed and a Determination of Non-significance was issued on July 23, 2009. The comment period deadline for the DNS is August 10, 2009. No comments were received indicating that the proposal would have a probable significant adverse impact on the environment.
4. Discharges from non-stormwater sources and other illicit discharges and connections to the city stormwater system may damage the city's storm water system and adversely impact surface and ground water quality.

RESOLUTION NO. 2009-105

Re: Revision of an Illicit Discharge Detection and Elimination Program
Rescind Resolution 2009-80

WHEREAS, Chelan County is designated as a National Pollution Discharge Elimination System (NPDES) Phase II primary permittee by the State of Washington, and

WHEREAS, Chelan County has applied for and received a General Municipal Phase II Storm Water Permit For Eastern Washington from the Washington State Department of Ecology, and

WHEREAS, the General Municipal Phase II Storm Water Permit For Eastern Washington requires Chelan County to establish an Illicit Discharge Detection and Elimination program,

NOW THEREFORE BE IT HEREBY RESOLVED THAT Resolution No. 2009-80 is rescinded, and

THEREFORE BE IT FURTHER RESOLVED by the Chelan County Board of County Commissioners, as follows:

SECTION I – STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

13.14.010 PURPOSE

The purpose of this resolution is to provide for the health, safety, and general welfare of the citizens of the Chelan County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This resolution establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this resolution are:

- (1) To regulate the contribution of pollutants to the MS4.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this resolution.

13.14.020 DEFINITIONS.

For the purposes of this resolution, the following shall mean:

- 1) "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, and structural

and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems.

- 2) "County" shall mean the Chelan County, Washington, acting by and through its Board of County Commissioners, unless such authority shall be delegated to other persons.
- 3) "Clean Water Act" shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 4) "Director" shall mean the Chelan County public works director who is charged with certain duties and responsibilities by this chapter, or any other person the director may appoint.
- 5) "Hazardous Materials" shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 6) "Illicit Discharge" shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted.
- 7) "Illicit Connection" shall mean either of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the county, or
 - (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the county.
- 8) "Municipal Separate Storm Sewer System (MS4)" shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by Chelan County and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
- 9) "National Pollutant Discharge Elimination System (NPDES) Permit" shall mean the national permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

- 10) "Non-Stormwater Discharge" shall mean any discharge to the storm drain system that is not composed entirely of stormwater.
- 11) "Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner's agent.
- 12) "Pollutant" shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 13) "Pollution" shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life
- 14) "Premises" shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 15) "Storm Drainage System" shall mean publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 16) "Stormwater" shall mean runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

13.14.030 APPLICABILITY.

This resolution shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands within the Boundary established by the "Surface and Storm Water Management Utility Resolution Chelan County, Washington" unless explicitly exempted by Chelan County.

13.14.040 RESPONSIBILITY FOR ADMINISTRATION.

Chelan County shall administer, implement, and enforce the provisions of this resolution. Any powers granted or duties imposed upon the county may be delegated by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the agency.

13.14.050 DISCHARGE PROHIBITIONS.

(A) Prohibition of Illicit Discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this resolution:

- a) Diverted stream flows,
- b) Rising ground waters,
- c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- d) Uncontaminated pumped ground water,
- e) Foundation drains,
- f) Air conditioning condensation,
- g) Irrigation water from agricultural sources that is commingled with stormwater,
- h) Springs,
- i) Water from crawl space pumps,
- j) Footing drains, and
- k) Flows from riparian habitats and wetlands,
- l) Emergency firefighting activities.

(2) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit issued to the discharger and administered under the authority of the Washington State Department of Ecology, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the county.

(3) The following non-stormwater discharges are prohibited unless the stated conditions are met:

a) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;

b) Discharges from lawn watering and other irrigation runoff shall be kept to a minimum and shall not cause damage to public streets or sidewalks;

c) Swimming pool discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash are prohibited from discharge to the MS4;

d) Street and sidewalk wash water, water used to control dust, and routine external building wash down shall not contain soaps or detergents and shall be kept to a minimum. Practices shall be implemented prior to washing to reduce pollutants from entering the MS4 including but not limited to sweeping, picking up litter and controlling velocity of discharge.

e) Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the county which addresses control of such discharges.

(4) Non-stormwater discharges listed above shall be prohibited if identified as a significant source of pollutants to waters of the state.

(5) Car washing is not prohibited, but provisions must be made to prohibit the wash water from entering the storm drain system. Chelan County will provide public education and technical assistance to encourage BMP's for residential car washing to prevent those discharges from entering the municipal storm sewer system.

(B) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this resolution if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this resolution must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the county.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the county requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of

connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the county.

13.14.060 COMPLIANCE MONITORING

(A) Right of Entry: Inspection and Sampling.

The director shall be permitted to enter and inspect premises subject to regulation under this resolution as often as may be necessary to determine compliance with this resolution.

(1) The director shall be allowed ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(2) The director shall have the right to set up on any premise such devices as are necessary to conduct monitoring and/or sampling of discharges from the site.

(3) The director has the right to require the owner or operator to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator. All devices used to measure flow and quality shall be calibrated to ensure accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or operator at the written or oral request of the county and shall not be replaced. The costs of clearing such access shall be borne by the owner of the premise.

(B) Search Warrants.

If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this resolution, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this resolution or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the county may seek issuance of a search warrant from any court of competent jurisdiction.

13.14.070 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of such activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater or the storm drainage system shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense,

additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed compliance with the provisions of this section.

13.14.080 SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the county in person or by phone, email or facsimile.

13.14.090 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this resolution. Any person who has violated or continues to violate the provisions of this resolution, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the county is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The county is authorized to seek costs of the abatement in accordance with all applicable laws and resolutions authorizing such actions.

(B) Enforcement

Enforcement action for a first violation shall be taken in accordance with Chapter 16.06 of the Chelan County Code.

(C) Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this resolution, the county may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the county.

(D) Suspension of MS4 Access.

(1) Emergency Cease and Desist Orders

When the county finds that any person has violated, or continues to violate, any provision of this resolution, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the county may issue an order to the violator directing the person to immediately to cease and desist all such violations and directing the violator to:

(a) Immediately comply with all resolution requirements; and

(b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the county may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) Suspension due to Illicit Discharges in Emergency Situations

The county may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the county may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(3) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this resolution may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the county.

(4) Criminal Prosecution.

Any person that has violated or continues to violate this resolution two or more times shall be liable to criminal prosecution to the fullest extent of the law, and shall be guilty of a misdemeanor punishable by a fine of not more than \$1000 per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days per violation per day. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

13.14.100 COST OF ABATEMENT OF THE VIOLATION.

The owner of the property or person responsible for the violation will be notified of the cost of abatement, including administrative costs. Payment in full shall be due within thirty (30) days and on the 31st day interest may be applied at a rate of eight percent per annum. After ninety (90) days, if payment in full has not been received, a lien may be filed on the property and foreclosed. The director may approve a payment plan of equal payments evenly spaced over no more than twelve (12) months.

13.14.110 REMEDIES NOT EXCLUSIVE.

The remedies listed in this resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the county to seek cumulative remedies. The county may recover all attorneys' fees, court costs and other expenses associated with enforcement of this resolution, including but not limited to sampling and monitoring expenses.

13.14.120 COMPATIBILITY WITH OTHER REGULATIONS.

This resolution is not intended to modify or repeal any other resolution, ordinance, rule, regulation, or other provision of law. The requirements of this resolution are in addition to the requirements of any other resolution, ordinance, rule, regulation, or other provision of law, and where any provision of this resolution imposes restrictions different from those imposed by any other resolution, ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

13.14.130 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this resolution are minimum standards; therefore this resolution does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

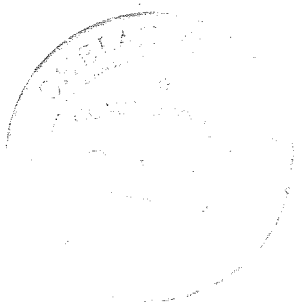
SECTION II - SEVERABILITY

The provisions of this resolution are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this resolution or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this resolution.

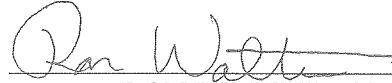
SECTION III – EFFECTIVE DATE

This resolution shall take effect from and after its passage thirty (30) days after publication as provided by law.

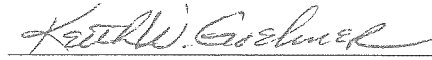
DATED at Wenatchee, Washington this 29th day of September, 2009.



BOARD OF COUNTY COMMISSIONERS



RON WALTER, Chairman



KEITH W. GOEHNER, Commissioner



DOUG ENGLAND, Commissioner

ATTEST: JANET K. MERZ



Clerk of the Board



ORDINANCE NO. 2009-12

AN ORDINANCE, of the City of Wenatchee regulating non-stormwater discharges to the storm drainage system, prohibiting illicit connections and discharges to the storm sewer system, providing for inspection, surveillance, monitoring and enforcement procedures to ensure compliance with the ordinance, and establishing penalties for violations thereof.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wenatchee, as follows:

SECTION I – STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION

The following chapter entitled “Stormwater Illicit Discharge Detection and Elimination,” to be codified at Chapter 4.10 WCC, shall be added to the Wenatchee City Code:

4.10.010 PURPOSE

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Wenatchee through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

4.10.020 DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

- 1) “Best Management Practices (BMPs)” shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems.
- 2) “City” shall mean the city of Wenatchee, Washington, a municipal corporation of the state of Washington, acting by and through its city council, unless such authority shall be delegated to other persons.

- 3) "Clean Water Act" shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 4) "Director" shall mean the city of Wenatchee public works director who is charged with certain duties and responsibilities by this chapter, or any other person the director may appoint.
- 5) "Hazardous Materials" shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 6) "Illicit Discharge" shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Wenatchee City Code 4.10.050.
- 7) "Illicit Connection" shall mean either of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city or,
 - (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the city.
- 8) "Municipal Separate Storm Sewer System (MS4)" shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Wenatchee and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
- 9) "National Pollutant Discharge Elimination System (NPDES) Permit" shall mean the national a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- 10) "Non-Stormwater Discharge" shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

- 11) "Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner's agent.
- 12) "Pollutant" shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 13) "Premises" shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 14) "Storm Drainage System" shall mean publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 15) "Stormwater" shall mean runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

4.10.030 APPLICABILITY.

This ordinance shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the city of Wenatchee.

4.10.040 RESPONSIBILITY FOR ADMINISTRATION.

The city of Wenatchee shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the city may be delegated by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the agency.

4.10.050 DISCHARGE PROHIBITIONS.

(A) Prohibition of Illicit Discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance:

- a) Diverted stream flows,

- b) Rising ground waters,
- c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- d) Uncontaminated pumped ground water,
- e) Foundation drains,
- f) Air conditioning condensation,
- g) Irrigation water from agricultural sources that is commingled with urban stormwater,
- h) Springs,
- i) Water from crawl space pumps,
- j) Footing drains, and
- k) Flows from riparian habitats and wetlands,
- l) Emergency firefighting activities.

(2) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit issued to the discharger and administered under the authority of the Washington State Department of Ecology, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the city.

(3) The following non-stormwater discharges are prohibited unless the stated conditions are met:

- a) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
- b) Discharges from lawn watering and other irrigation runoff shall be kept to a minimum and shall not cause damage to public streets or sidewalks;
- c) Swimming pool discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash are prohibited from discharge to the MS4;
- d) Street and sidewalk wash water, water used to control dust, and routine external building wash down shall not contain soaps or detergents and shall be kept to a minimum. Practices shall be implemented prior to washing to reduce pollutants from entering the MS4 including but not limited to sweeping, picking up litter and controlling velocity of discharge.
- e) Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the city which addresses control of such discharges.

(4) Non-stormwater discharges listed above shall be prohibited if identified as a significant source of pollutants to waters of the state.

(B) Prohibition of Illicit Connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the city.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city.

4.10.060 COMPLIANCE MONITORING

(A) Right of Entry: Inspection and Sampling.

The director shall be permitted to enter and inspect premises subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- (1) The director shall be allowed ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (2) The director shall have the right to set up on any premise such devices as are necessary to conduct monitoring and/or sampling of discharges from the site.
- (3) The director has the right to require the owner or operator to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator. All devices used to measure flow and quality shall be calibrated to ensure accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner of the premise.

(B) Search Warrants.

If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect

and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

4.10.070 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of such activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater or the storm drainage system shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed compliance with the provisions of this section.

4.10.080 SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the city in person or by phone, email or facsimile.

4.10.090 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the city is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The city is authorized to seek costs of the abatement in accordance with Wenatchee City Code 4.10.100.

(B) Enforcement

Enforcement action for a first offense shall be taken in accordance with Wenatchee City Code 2.11 Civil Infractions.

(C) Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the city may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the city.

(D) Suspension of MS4 Access.

(1) Emergency Cease and Desist Orders

When the city finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all ordinance requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) Suspension due to Illicit Discharges in Emergency Situations

The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(3) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the city.

(4) Criminal Prosecution.

Any person that has violated or continues to violate this ordinance two or more times shall be liable to criminal prosecution to the fullest extent of the law, and shall be guilty of a misdemeanor punishable by a fine of not more than \$1000 per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days per violation per day. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

4.10.100 COST OF ABATEMENT OF THE VIOLATION.

The owner of the property or person responsible for the violation will be notified of the cost of abatement, including administrative costs. Payment in full shall be due within thirty (30) days and on the 31st day interest may be applied at a rate of eight percent per annum. After ninety (90) days, if payment in full has not been received, a lien may be filed on the property and foreclosed as provided in Chapter 35.67 RCW. The director may approve a payment plan of equal payments evenly spaced over no more than twelve (12) months.

4.10.110 REMEDIES NOT EXCLUSIVE.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including but not limited to sampling and monitoring expenses.

4.10.120 COMPATIBILITY WITH OTHER REGULATIONS.

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

4.10.130 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION II - SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect from and after its passage thirty (30) days after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular meeting thereof, this 23rd day of July, 2009.

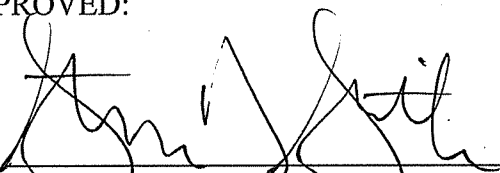
CITY OF WENATCHEE, a Municipal
Corporation

By: 
DENNIS JOHNSON, Mayor

ATTEST:

By: 
BRENDA GUSKE, Interim City Clerk

APPROVED:

By: 
STEVE SMITH, City Attorney

Appendix C3

Stormwater Complaint Form

This program element is not yet complete. A preliminary working draft of the stormwater complaint form is in Volume II.

Stormwater IDDE Report & Response

I. Incident Report

Date/Time: _____ AM / PM Received By: _____

Location: _____

Initial Report of Conditions: _____

Reported By: _____ Phone: _____

II. Investigation

Date: _____ By: _____

Storm Drain ID/Outfall: _____

Entered Storm Drain System/Receiving Waters? ____ Yes ____ No

Material Type

- ☐ Hazardous
- ☐ Sediment
- ☐ Wastewater
- ☐ Oil/Grease
- ☐ Other _____
- ☐ Unknown

Est. Quantity: _____

Additional Information: _____

Sample(s) Collected: ____ Yes ____ No

Observed Land Use

- ☐ Residential
- ☐ Commercial/Industrial Stormwater Permit ____ Yes ____ No ____ Unknown
- ☐ Public

Direct/Constructed Connections Found? ____ Yes ____ No

Description: _____

Source/Responsible Party: _____

III. Action and Closure

Referred To: _____ Date: _____

Action Taken: _____

Date Closed: _____

Appendix D

**Construction Site Stormwater Runoff Control
and
Post-construction Stormwater Management for New
Development and Redevelopment**

Appendix D1

Construction Site Runoff Control Program

This program element is not yet complete. The permit requires that the Cities and Counties develop construction site runoff control standards by February 15, 2010. A preliminary working draft of the construction site runoff control program is in Volume II.

Construction Site Stormwater Runoff Control

Introduction:

The Construction Site Stormwater Runoff Control Program is required under S5 (B)(4) of the Eastern Washington Phase II Municipal Stormwater Permit. Runoff from new and re-development projects can contribute to the discharge of sediment to the stormwater system sufficient to result in water quality violations in receiving waters. Controlling erosion and preventing sediment and other pollutants from leaving the project site is achieved through implementation of appropriate Best Management Practices (BMPs). When proper BMPs are planned, installed, and properly maintained, contamination of the stormwater system can be minimized.

Objective:

The objective is to develop a program which addresses construction site runoff that is compliant with Federal and State stormwater regulations. The goal is to reduce pollutants in stormwater runoff associated with construction activities that disturb one acre or more, and from construction projects of less than one acre that are part of a common plan of development or sale through the implementation of proper project review, inspection and maintenance.

Performance Measures: Construction Site Stormwater Runoff Control Program Elements:

I. Local Regulation

Each jurisdiction must adopt an ordinance or resolution requiring erosion and sediment controls and other construction-phase stormwater pollution controls to be implemented at new development and redevelopment projects. The ordinance or resolution shall apply to construction sites disturbing greater than or equal to one acre and to construction projects of less than one acres that are part of a common plan of development or sale and shall include sanctions to ensure compliance.

The ordinance or resolution shall require construction operators to adhere, at a minimum, to the requirements of Appendix 1, Core Element #2 of the NPDES Phase II Municipal Stormwater Permit, including preparation of Construction Stormwater Pollution Prevention Plans (Construction SWPPPs) and application of BMPs (Best Management Practices) as necessary to protect water quality, reducing the discharge of pollutants to the Maximum Extent Practicable (MEP), and satisfying state AKART (All Known and Reasonable Technology) requirements.

The ordinance or resolution shall include:

- Requirement for construction site operators to implement appropriate erosion and sediment control BMPs.
- Requirements for construction site operators to control waste such as discarded building materials, concrete truck wash, chemicals, litter, and sanitary waste which may cause adverse impacts to water quality.

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Construction Site Stormwater Runoff Control

The ordinance or resolution shall adopt the Stormwater Management Manual for Eastern Washington as the minimum standards for compliance. Adoption of the Stormwater Management Manual for Eastern Washington is the presumptive approach to meet the NPDES Phase II Permit documentation requirements.

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Timeline:

- *The ordinance or resolution shall be adopted no later than February 16, 2010.*
- *The ordinance or resolution shall become effective no later than February 16, 2011.*

II. Construction Site Stormwater Runoff Control Program Elements

A. Submittal Requirements

Construction Stormwater Pollution Prevention Plans (SWPPPs) shall be required for, at a minimum, regulated construction sites that disturb one acre or more or are less than one acre and are part of a common plan of development or sale.

a.ii

The goal of a Construction Stormwater Pollution Prevention Plan (SWPPP) is to avoid immediate and long-term environmental loss and degradation typically caused by poorly managed construction sites. Prompt implementation of a Construction SWPPP, can provide a number of benefits. These include minimizing construction delays, reducing resources spent on repairing erosion, improving the relationship between the contractor and the permitting authority, and limiting adverse effects on the environment. A Construction Stormwater Pollution Prevention Plan typically contains two components. The first component is a Temporary Erosion and Sediment Control Plan. The second component is a narrative report which explains and illustrates the measure to be taken to control construction site runoff. A well-written SWPPP provides guidance that is neither over- nor under- protective for the project site. The Construction SWPPP should include seasonally-appropriate guidance and anticipate adjustments that may be necessary in the event of delays in the construction schedule.

Info

Timeline:

- *This element shall become effective February 16, 2011.*

B. Stormwater Pollution Prevention Plan Review

1. Each jurisdiction shall review Construction Stormwater Pollution Prevention Plans (SWPPPs) for, at a minimum, all construction sites that disturb one acre or more or are less than one acre and are part of a common plan of development or sale. Jurisdictions shall combine review of pre-construction and post-construction controls to streamline review time and conserve resources.
2. Construction SWPPP review shall be performed by qualified personnel. Review of the Construction SWPPP shall be performed in coordination with review of Stormwater Site Plans as identified in the Post Construction Stormwater Management Program for New Development and

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Construction Site Stormwater Runoff Control

Redevelopment Program. To ensure the jurisdiction and the contractor understand the SWPPP and associated requirements, a pre-construction site plan meeting with the construction operator shall be required prior to construction.

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3. Jurisdictions shall accept Stormwater Pollution Prevention Plans. Acceptance of submitted SWPPPs shall not be deemed as approval. As site work progresses, the plan shall be modified to reflect changing site conditions. The owner has ultimate responsibility for preparation, submission and maintenance of the plan. The owner may designate responsibility for preparation and implementation of the plan to others but shall retain ultimate responsibility.
4. Acceptance of the SWPPP shall not relieve the owner from requirements to prevent sediment or sediment laden water from leaving the site. Additional practices shall be implemented as necessary, or as directed by the jurisdiction, in order to address erosion and sedimentation in accordance with local, state and federal requirements.

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Timeline:

- *This element shall become effective February 16, 2011*

C. SWPPP Record Keeping

Each jurisdiction shall implement procedures to maintain records of all projects which disturb more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre. Records shall be retained for five years or until construction is completed, whichever is longer.

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Records shall include:

- Project Identification
- Property Owner including contact information
- Contractor, including contact information
- Project location: Section, Township Range, Lat/Long, Site Address
- SWPPP and updates
- Date Construction Begins
- Inspection Records
- Date Construction Completed

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Timeline:

- *Records shall be retained for all projects which were approved after February 16, 2007. Record maintenance procedures shall be updated as necessary during program implementation by February 2011.*

Construction Site Stormwater Runoff Control

D. Training

1. Municipal Staff

- a) Training shall be provided to municipal staff involved in permitting, planning and review to carryout the provisions of the Construction Site Stormwater Runoff Control Program elements, including office and field staff.
- b) Stormwater and code enforcement staff will be trained on identification, investigation, termination, cleanup, and reporting of inadequate construction stormwater pollution prevention plan elements.
- c) Training will be provided regarding procedures for receipt and consideration of information submitted by the public. This shall be coordinated with the hotline established as specified in the Illicit Discharge Detection Elimination Program, Section E.
- d) Other municipal staff including but not limit road maintenance crews and building inspectors will be trained on discharges associated with construction activities and appropriate response procedures.
- e) Training may be developed in house or offered by another organization.
- f) Jurisdictions shall coordinate training for erosion and sediment control with post- construction stormwater management training to ensure efficient use of resources.
- g) Jurisdictions shall determine; type of training, length of training and whether certification is required.
- h) Municipal training records shall include:
 - Names and Positions of staff in attendance.
 - Dates
 - Activities or Course Descriptions

Timeline:

- *This element shall become effective no later than February 16, 2010.*
- *In conjunction with the IDDE program element, a hotline or other local number will be utilized for receipt of information submitted by the public.*

2. Designers and Construction Site Operators

- a) Information shall be provided to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 of the Municipal Stormwater Permit and application of the Best Management Practice described in Chapter 7 of the Stormwater Management Manual for Eastern Washington.

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Construction Site Stormwater Runoff Control

- b) Local jurisdictions do not need to conduct training for local construction operators, but should direct operators to available training resources. Information may be provided as a handout during the pre-application and pre-construction meeting. (Example: Refer Designers and Construction Site Operators to the Department of Ecology web-site of approved CESCL training programs.)
- c) Records of training information provided shall include:
 - Copies of information provided to construction site operators.
 - Copies of information distributed to large numbers of design professionals, including the date of the mailing and the recipient list.

Timeline:

- *This element shall become effective February 16, 2007.*

E. SWPPP Inspection and Enforcement

1. Each jurisdiction shall adopt and implement procedures for site inspection and enforcement of construction stormwater pollution control measures. Site inspections shall be conducted by qualified staff that has been trained to perform inspection of Erosion and Sediment Control Best Management Practices.
2. Frequent and consistent inspections are key to ensuring proper installation and maintenance of Erosion and Sedimentation controls. Priorities shall be based upon local goals, resources and known problem areas. Priority areas can be based on location, specific operators with past problems or larger construction sites. For example:
 - Construction sites on steep slopes or highly erodible areas.
 - Construction sites operated by contractors with past violations.
 - Construction sites disturbing more than five acres.
 - Construction sites following rain events.
3. Based on the local ordinance or resolution an Enforcement Action Plan will be developed and implemented. The plan shall include:
 - i. An enforcement matrix/flowchart
 - ii. Escalating enforcement actions
 1. Verbal/Written Warning
 2. Administrative Action
 3. Administrative Action with Fine and/or Cost Recovery
 4. Legal Action
 - iii. Provisions for access by qualified personnel to inspect construction-phase stormwater BMPs on private properties

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Construction Site Stormwater Runoff Control

that discharge or are at risk of discharging to the stormwater system.

4. Each jurisdiction shall adopt a procedure for keeping records of inspections and enforcement actions, including the following:

- Inspection reports
- Warning letters
- Notices of violations
- Enforcement Actions
- Inspection reports
- Resolution Report

5. Compliance with inspection requirements will be achieved by having and maintaining records of an inspection program that is designed to inspect all sites. At a minimum, jurisdictions shall achieve an inspection rate of at least 80% of all sites.

Timeline:

- *This element shall become effective no later than February 16, 2011.*

6. Construction Site Stormwater Runoff Response Plan

Procedures for characterizing construction site runoff and evaluating the appropriate action needed to protect public safety and the environment will be developed. Discharge of construction site runoff may be addressed in accordance with the procedures outlined in the Illicit Discharge Detection Elimination Program and addressed in accordance with the IDDE Response Plan. Jurisdictions shall respond to discharges associated with construction activities as soon as practicable.

Timeline:

- *This element shall become effective February 16, 2011.*

7. Public Education

Target audiences for Construction Site Stormwater Runoff Control education will be the development community, including excavation contractors, utility installers and builders. Education materials will be developed and distributed:

- i. Information will be available at public offices and at events including home shows and public meetings.
- ii. Information will be provided to developers, contractors and builders, during pre-application and pre-construction meeting associated with new and re-development projects.

Timeline:

- *This element shall become effective February 16, 2011.*

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Public
Education
&
Outreach
Program

Construction Site Stormwater Runoff Control

Appendix:

- Appendix A SWPPP Preparation Checklist
- Appendix B SWPPP Pre-Construction Meeting Checklist
- Appendix C SWPPP On-site Stormwater Inspection Checklist
- Appendix D SWPPP Construction Site Closeout Report
- Appendix E Residential Building SWPPP Sample
- Appendix F Construction Stormwater Runoff Enforcement Action Plan

Agency
implementation
documents to be
developed

(Note: Items in gray have not yet been developed).

DRAFT

Post-Construction Stormwater Management

Introduction

To be completed

Objective

The goal of the Post-Construction portion of the Stormwater Management Program is to develop, implement, and enforce a program to address post-construction stormwater runoff to the municipal separate storm sewer system from new development and redevelopment projects that disturb one acre or more, and from projects of less than one acre that are part of a common plan of development or sale. For this specific program, the goal is to ensure that controls to prevent or minimize water quality impacts are in place.

Public and private projects shall comply with these requirements. This plan documents the process for ensuring proper project review, inspection, and compliance with these requirements.

Program Elements

I. Local Regulation

Each local jurisdiction must adopt an ordinance or resolution that requires post-construction stormwater controls at new development and redevelopment projects.

The ordinance or resolution shall apply to new development and redevelopment sites that disturb one acre or more or are less than one acre that are part of a common plan of development or sale (regulated projects).

The ordinance or resolution shall adopt the Stormwater Management Manual for Eastern Washington as the minimum standards for compliance. The adoption of this manual is the presumptive approach to meeting the NPDES Phase II Permit documentation requirements.

The ordinance or resolution shall include provisions for post-construction access for jurisdictions to inspect stormwater BMP's on private property that discharge to the municipal separate storm sewer system. The ordinance or resolution may, in lieu of requiring continued access, allow private property owners to provide annual certification by a third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.

The ordinance or resolution shall include appropriate, escalating enforcement procedures and actions. These enforcement procedures will be incorporated into an Enforcement Action Plan developed by the jurisdiction. A copy of this plan is included in Appendix F.

Timeline:

- *The ordinance or resolution shall be adopted no later than February 16, 2010.*
- *The ordinance or resolution shall become effective no later than February 16, 2011.*

Post-Construction Stormwater Management

II. Site Plan Review

Permit
Location

b.i

All *Stormwater Site Plans* for new development and redevelopment sites greater than or equal to one acre and to projects of less than one acre that are part of a common plan of development or sale must be reviewed prior to construction.

The Stormwater Site Plan shall contain:

From
Manual

- A Permanent Stormwater Control Plan (Drainage Report and Construction Plans)
- A Construction Stormwater Pollution Prevention Plan (See the Construction Site Stormwater Runoff Control section of this plan for details)
- An Operations and Maintenance manual.

From
Manual

The Drainage Report, Construction Plans, and Operations and Maintenance Manual shall be prepared and stamped by a licensed Professional Engineer. Requirements for preparation of the Construction Stormwater Pollution Prevention Plan are addressed in the Construction Site Stormwater Runoff Control section of this program.

a.ii
b.ii

The permanent stormwater facilities shall be designed using standards as adopted by the jurisdiction. The Stormwater Site Plan review will be performed by qualified personnel. A checklist has been developed to assist the reviewer and is included in Appendix A.

a.ii

The Operation and Maintenance (O&M) Manual shall be based on standards adopted by the jurisdiction. For private stormwater facilities, the O&M Manual shall become part of an Operation and Maintenance Agreement executed as required by each jurisdiction. An example O&M Agreement has been included in Appendix B.

Info –
current
practice

Performance and/or maintenance bonds may be required for Stormwater Site Plan approval. Specific requirements will be included in each jurisdiction's ordinance.

Timeline:

- *The site plan review procedures shall be adopted and implemented no later than February 16, 2011.*

III. Site Inspection and Enforcement

Info –
current
practice

a. Maintenance of Stormwater Facilities

The jurisdiction will assume maintenance and operation of stormwater facilities within improved public road right-of-way that receive stormwater from public facilities. The jurisdiction can allow such facilities to be maintained by the homeowners association or similar entity acceptable to the jurisdiction with an approved maintenance agreement in place.

After project completion and inspection, the jurisdiction will assume maintenance and operation of the facilities as specified in each jurisdiction's ordinance. Before assuming maintenance responsibilities, an inspection of all stormwater facilities will

Post-Construction Stormwater Management

Permit Location	be conducted by the jurisdiction to ensure the facilities have been properly maintained and are operating as designed. A structural BMP acceptance checklist has been included in Appendix C.
Info – current practice	Stormwater facilities to be maintained and operated by the jurisdiction must be located in a tract, or right-of-way dedicated to the jurisdiction. Access roads serving these facilities must also be located in the tract or right-of-way and must be connected to an improved public road right-of-way.
c.iv	<p>b. Facilities Maintained by Private Parties</p> <p>All privately maintained drainage facilities must be maintained in accordance with a recorded Operations and Maintenance Agreement. A copy of the Operation and Maintenance Manual shall be retained by the entity responsible for maintenance and transferred with the property as ownership changes.</p>
c.ii c.iii	<p>c. Inspection Frequency</p> <p>All structural BMP's shall be inspected at least once during installation. Facilities maintained by the jurisdiction will be inspected prior to taking over maintenance duties, then once every five years at a minimum. More frequent inspections shall be performed if determined to be necessary by the jurisdiction. A structural BMP inspection checklist has been included in Appendix D.</p>
c.iii a.iii	<p>All privately maintained facilities that discharge or overflow to the municipal separate storm sewer system shall be inspected at a minimum once every five years by qualified personnel. Access shall be granted to the jurisdiction's staff or qualified personnel to perform required inspections. In lieu of providing this access, private property owners can provide an annual certification prepared by a qualified third party indicating that adequate maintenance has been performed and the facilities are operating as designed to protect water quality. A sample Private Facility Certification Form has been provided in Appendix E.</p>
c.v a.iv a.v	<p>d. Enforcement</p> <p>If a site is inspected and problems are identified, the jurisdiction will take action in accordance with the Enforcement Action Plan adopted by their ordinance or resolution. A copy of the Enforcement Action Plan has been included in Appendix F.</p>
<p>Timeline:</p> <ul style="list-style-type: none"> The site inspection and enforcement procedures shall be adopted and implemented no later than February 16, 2011. 	

Post-Construction Stormwater Management

IV. Training

a. Municipal Staff

Training shall be provided to municipal staff involved in permitting, planning, review, inspection and enforcement to carry out the provisions of the Post-Construction Stormwater Management Program elements, including office and field staff.

Training may include classroom or field instruction, videos, or web based seminars from the Department of Ecology or Environmental Protection Agency website or other approved source.

Municipal Staff training records shall include:

- Dates
- Activities or course descriptions
- Names and positions of staff in attendance.

Jurisdictions shall coordinate post-construction stormwater management training with training for erosion and sediment control with to ensure efficient use of resources.

Jurisdictions shall determine; type of training, length of training and whether certification is required.

b. Design Professionals

Information on training will be provided to design professionals in order to comply with the requirements of Appendix 1 of the Municipal Stormwater Permit and apply the standards adopted by the jurisdiction.

Local jurisdictions do not need to conduct this training, but should direct design professionals to available training resources if requested. Information may be provided as a handout during the pre-application meeting.

Design Professional training records shall include:

- Copies of information provided to Design Professionals
- Copies of information distributed to large numbers of design professionals, including the date of the mailing and the recipient list.

Timeline:

- *The training program element for Municipal Staff reviewing stormwater documents will be implemented no later than February 16, 2011 to correspond with the effective date of the ordinance or resolution.*
- *Information on training will be sent to professionals as of the effective date of the permit.*

Post-Construction Stormwater Management

Permit
Location

f.i

c.i
f.i

Info

V. Project Record Keeping

a. Facilities maintained by the jurisdiction

Agencies shall keep records of all regulated projects for five years or until construction is completed, whichever is longer, with the exception that approved site plans and O&M agreements shall be kept as needed to comply with on-going inspection requirements.

Records that shall be kept at a minimum include:

- Approved site plans
- O&M agreements
- Inspection reports
- Enforcement actions
- Warning letters
- Notice of Violations

Inspection records will be on the form provided in Appendix D or a similar jurisdiction approved form and shall include at a minimum:

- Location of facility
- Date of inspection
- Inspection personnel
- Condition of the facility
- Action required

Timeline:

- *The jurisdiction will keep records of all regulated projects that are approved on or after the effective date of the ordinance but no later than February 16, 2011.*
- *Training records for Municipal Staff will be kept beginning no later than February 16, 2011 to correspond with the effective date of the ordinance or resolution.*
- *Records of information sent to Design Professionals will be kept as of the effective date of the permit.*

Appendix:

- Appendix A Stormwater Site Plan Review Checklist
- Appendix B Example Operation & Maintenance Agreement
- Appendix C Structural BMP Acceptance Checklist
- Appendix D Structural BMP Inspection Checklist
- Appendix E Private Facility Certification Form
- Appendix F Enforcement Action Plan

(Note: Items in gray have not yet been developed).

Appendix D2

Construction Site Stormwater Ordinance

This program element is not yet complete. The permit requires that the Cities and Counties develop a construction site runoff control ordinance by February 15, 2010. A preliminary working draft of the construction site stormwater ordinance is in Volume II.

Appendix D3

Construction Stormwater Complaint Form

This program element is not yet complete. A preliminary working draft of the construction stormwater complaint form is in Volume II.

Stormwater Construction Incident Report & Response

I. Incident Report

Date/Time: _____ AM / PM Received By: _____

Location: _____

Initial Report of Conditions: _____

Reported By: _____ Phone: _____

II. Investigation

Date: _____ By: _____

Storm Drain ID/Outfall: _____

Entered Storm Drain System/Receiving Waters? ____ Yes ____ No

Material Type

- ☐ Hazardous
- ☐ Sediment
- ☐ Wastewater
- ☐ Oil/Grease
- ☐ Other _____
- ☐ Unknown

Est. Quantity: _____

Additional Information: _____

Sample(s) Collected ____ Yes ____ No

BMPS

Installed ____ Yes ____ No Description: _____

Maintained ____ Yes ____ No Description: _____

Site Contact: _____ Phone: _____

Construction Stormwater Permit ____ Yes ____ No

III. Action and Closure

Referred To: _____ Date: _____

Action Taken: _____

Date Closed: _____

Appendix D4

Erosion Control and Sediment Management Flyer

EROSION AND SEDIMENT CONTROL MANAGEMENT

DOES YOUR PROJECT FALL UNDER THE NEW
CONSTRUCTION
STORMWATER GENERAL PERMIT?



Do you need to install and maintain
erosion and sediment controls?

Do you know that there are new
minimum technical requirements
for stormwater management at new
development sites?



Training is available on these new requirements through:

Department of Ecology

<http://www.ecy.wa.gov/programs/wq/stormwater/index.html>

Phone: (509) 575-2490

AGC Education Foundation

<http://www.constructionfoundation.org>

Phone: (206) 284-0061

University of Washington-Engineering Professional Programs

<http://www.engr.washington.edu/epp/esa/index.html>

Building Industry Association of Washington

<http://www.biaw.com>

Phone: 1-800-228-4229

INFORMATION CAN ALSO BE FOUND IN:

- *Eastern WA Phase II Municipal Stormwater Permit-Appendix 1*
- *Stormwater Management Manual for Eastern Washington-Chapter 7*

Appendix E

Pollution Prevention and Good Housekeeping for Municipal Operations

Pollution prevention and good housekeeping for municipal operations appendices to be added.

Appendix E1

Operation and Maintenance Plan

To be added upon completion. The permit requires that the Cities and Counties develop an operation and maintenance plan for municipal activities and facilities by February 15, 2010.

Appendix F

Compliance with TMDL Requirements

TMDL appendices to be added, as appropriate.

Appendix G

Monitoring and Program Evaluation

Monitoring and program evaluation appendices to be added, as appropriate.

Appendix H

Reporting and Recordkeeping

Appendix H1

Ecology's Annual Report Guidance

Guidance for City and County Annual Reports for Eastern Washington Phase II Municipal Stormwater General Permits



December 2007

Publication Number 07-10-102



Components of the Annual Report

At the request of several Phase II cities, towns, and counties, the Department of Ecology (Ecology) developed this guidance for preparing annual report submittals required by the Eastern Washington Phase II Municipal Stormwater Permit (effective February 16, 2007). You must submit your annual report to Ecology by March 31 for the previous calendar year. The annual reports include three related components:

1. A written Stormwater Management Program (SWMP) document

The SWMP document (Reporting and Record keeping S9.E.1) that meets the description in permit section S5.A.3 (Stormwater Management Program document).

2. An Annual Report form

A completed Annual Report form: either a hard copy of Appendix 3 – First Annual Report form for Cities and Counties OR the Annual Report form Excel file at www.ecy.wa.gov/programs/wq/stormwater/municipal/annual_reports.html

3. Supplemental documentation for the Annual Report form

Attached documentation necessary to respond to specific questions in the Annual Report form, including information associated with S9.E.3 requirements (changes in geographic boundaries and implications for the SWMP).

While Ecology does not approve these documents, Ecology will review them on an annual basis to evaluate permit compliance and to target technical assistance. The sections below describe the three components in further detail.

Preparing the SWMP Document

Ecology strongly suggests that you write the SWMP document as a planning and implementation document, not a detailed report of past activities. It should also describe how your jurisdiction plans to meet permit requirements in the future. The SWMP document does not create an obligatory work plan or legal commitment beyond what the permit requires. The SWMP document should generally describe your stormwater management program and how you intend to fulfill future municipal stormwater permit obligations.

Purposes of the SWMP document

The SWMP document has three separate purposes, one for each of the three audiences:

1. Ecology – Provide written documentation on how you intend to comply with permit requirements for a Stormwater Management Program as described in permit condition S5.A.3;
2. The public – Solicit input and build local support for your stormwater management program under Public Involvement and Participation requirements (S5.B.2); and
3. Your staff and officials – Build support for and understanding of your program.

General reminders for preparing a SWMP document

1. Organize the SWMP document to follow the program components as they are organized in the permit. Keep your descriptions brief and to the point and clearly written for your public audience.
2. Indicate specific activities that are happening or planned for at least the upcoming year under each program component. The activities you describe must "...reduce the discharge of pollutants from the regulated small MS4 to the Maximum Extent Practicable (MEP), to satisfy the state requirement under Chapter 90.48 RCW to apply All Known, Available, and Reasonable methods of prevention, control and Treatment (AKART) prior to discharge, and to protect water quality." You may also identify activities that build program capacity (e.g., staffing, equipment procurement, departments involved, etc.).
3. Reference other documents, policy statements, codes, ordinances, etc. You need not repeat information in the SWMP document that is explained sufficiently in another publicly accessible document.
4. As described in permit section S5.A.3.b, you may identify additional activities that your community implements to support the focus of the specific program component (i.e., beyond the stated minimum measures for each section of S5.B for SWMP components in your permit).
5. Point out where you are coordinating internally and with other regulated entities to implement any particular program component (or additional activity). Note specific coordination mechanisms, activities, program, policies, and projects. Clarify who is doing what. Specifically identify which coordination activities are happening within your jurisdiction and in neighboring jurisdictions.



Photo by Brian Walsh

Preparing the Annual Report Form

In addition to the two other components, Permittees must submit the First Year Annual Report form in Appendix 3 to Ecology by March 31, 2008 in one of two formats:

- The Appendix 3 format found in the permit

OR

- An Excel file format of the same document downloaded from Ecology's website at www.ecy.wa.gov/programs/wq/stormwater/municipal/annual_reports.html

The completed form, including certification and signature, constitutes compliance with Reporting and Recordkeeping requirements (S9.E.2). You must use this form to report compliance activities during the reporting period. The first one is for calendar year 2007. You must answer every question or Ecology will return the form to you for completion. Remember to keep all records related to your permit and the SWMP for at least five years. **In all cases, deadlines in the body of the permit are correct. In case of a discrepancy with a deadline noted in the Annual Report form, always report based on deadlines in the body of the permit itself.** Use the instructions below to address the Errata for Appendix 3 to make it consistent with what is in the permit.

Instructions for completing your First Annual Report in the Appendix 3 format:

1. The Contact Name in Permittee Information (Section I) refers to the staff contact, not the responsible official(s) identified under Certification (Section IV).
2. Limit the information you provide in the Comments section to approximately 50 words. For additional information, you may cross-reference with other annual reporting documents such as the attachment of documentation associated with S9.E.3 (Reporting and Recordkeeping) or your SWMP document (S5.A.3, S9.E.1). You may also provide web links to online documents such as ordinances or reports. Please specify the section or pages of the referenced document where appropriate. We encourage you to use these options to avoid duplicating reporting information that is easily accessible elsewhere.
3. Section VI - Clarifications and answers to address Errata in Appendix 3:
 - Question 3 – Refers to Pollution Prevention and Good Housekeeping for Municipal Operations requirements on page 25 of 56 (S5.B.6.a.i) related to construction projects and industrial activities.
 - Question 4 – MTRs refers to Minimum Technical Requirements in Appendix 1 for Construction Site Stormwater Runoff Control.
 - Questions 5, 6, and 7 – These questions are in error. They refer to requirements for Pollution Prevention and Good Housekeeping for Municipal Operations for which the requirements are not yet due. If you have not yet met these requirements, please answer "No" as described in the table below and note in the Comments field that the requirement is not yet due.

4. For Questions 1-4 in Section VI use the following guidance:

For each question, select the category below that best describes your program's implementation status for the reporting year.	If your answer is "YES"...	If your answer is "NO"...
Did you <u>fully</u> meet the permit requirement <u>by</u> the deadline noted in the permit?	Mark YES . You may provide additional detail about activities from the previous year in the <i>Comments</i> field.	Mark NO . In <i>Comments</i> field provide: "reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met." [See S9.E.2.d]

5. Questions 8-9 in Appendix 3, Section VI allow for a "Not applicable" (NA) response. If these questions do not apply to you, mark NA in the Y/N/NA field.

To complete the First Year Annual Report Excel file, please refer to the INSTRUCTIONS tab of the worksheet for directions on how to complete the check box fields. Instructions for the Excel worksheet have been slightly modified from those stated above.

Preparing Annual Report Supplemental Documentation

The annual reporting requirement for Eastern Washington Phase II cities and counties requires additional documentation to supplement responses to questions on the First Year Annual Report form. The Annual Report form identifies some of these supplemental submittals, while others are noted in the body of the permit. The table of contents below provides an outline of the key information permittees may need to provide as supplemental documentation.

Table of Contents for supplemental documentation

1. Notification of any changes to authorization pursuant to G19.C (Certification and Signature) as required in S9.E.2.h (Reporting and Recordkeeping), if applicable.
2. Copies of interlocal agreement(s) that identify the other governmental entity/ies and the permit obligations they are implementing on your behalf (as required in S9.E.2.f), if applicable.
3. Notification of any annexations, incorporations or jurisdictional boundary changes in the geographic area of coverage during the reporting period, and implications for the SWMP (S9.E.3), if applicable.
4. Documentation to address specific items in the Annual Report form, if applicable.
5. A brief description of any stormwater monitoring studies for the MS4 conducted by the Permittee or another entity in accordance with S8.B.1 requirements, if applicable.

6. If required per S4.F.2.d (Compliance with Standards), the status of the implementation of required additional operational and/or structural BMPs and any information from a qualitative evaluation of those BMPs' effectiveness to prevent or reduce the pollutants of concern. NOTE: Not all permittees need to submit this information. An Ecology-issued administrative order will trigger this particular reporting requirement.

Contact the following Ecology staff for more information

Benton, Chelan, Douglas, Kittitas, and Yakima Counties	Terry Wittmeier twit461@ecy.wa.gov	509-574-3991
Asotin, Franklin, Grant, Spokane, Walla Walla, and Whitman Counties	Dave Duncan ddun461@ecy.wa.gov	509-329-3554

If you need this publication in an alternate format, please call the Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

APPENDIX 3 – Annual Report Forms for Cities, Towns and Counties Covered under the Eastern Washington Phase II Municipal stormwater Permit

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Appendix H2

Annual Report Template

*Eastern Washington Phase II Municipal Stormwater Permit
First Year Annual Report*

First Year Annual Report

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

I. Permittee Information

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

II. Regulated Small MS4 Location

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

III. Relying on another Governmental Entity

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity.***

IV. Certification

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

V. Submittal

Deliver two printed and signed copies and one electronic copy (MS Word format or PDF, on CD ROM of this report by March 31, 2008 to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

VI. Status Report For the First Year Annual Report

-
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9?

Comments:

2. YES ☐ NO ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3?

Comments:

3. YES ☐ NO ☐ Have NPDES permit coverage for all applicable construction projects and industrial facilities? (S5.B.6.a.i)

Comments:

4. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)

Comments:

5. YES ☐ NO ☐ Gathered information about your storm drainage infrastructure? Attach estimated and verified numbers or miles (or feet) of open ditches, storm sewers, outfalls, catch basins, detention facilities, retention facilities, treatment facilities (and types), and regional facilities, if any. (S5.B.6.a.i)

Comments:

6. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms? (S5.B.6.a.ii)

Comments:

7. YES ☐ NO ☐ Provided adequate training for staff to carry out the SWMP? (S5.B.6.b)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
First Year Annual Report*

-
8. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms
NA ☐ and conditions within 30 days of becoming aware of the non-compliance?
(G20 and S4.F)

Comments:

-
9. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes
NA ☐ aware of a discharge from the Permittees MS4 which may cause or
contribute to an eminent threat to human health or the environment? (G20
and S4.F)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Second Year Annual Report*

Second Year Annual Report

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

I. Permittee Information

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

II. Regulated Small MS4 Location

<i>Jurisdiction</i>
<i>Entity Type</i>
<input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

III. Relying on another Governmental Entity

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity.***

IV. Certification

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

V. Submittal

Deliver two printed and signed copies and one electronic copy (MS Word format or PDF, on CD ROM of this report by March 31, 2009 to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

VI. Status Report For the Second Annual Report

-
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9?

Comments:

-
2. YES ☐ NO ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3?

Comments:

-
3. YES ☐ NO ☐ Made the most current version of the SWMP available to the public? Attach a copy of the updated SWMP. If posted on website, list address. (S5.B.2.b)

Comments:

-
4. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)

Comments:

-
5. YES ☐ NO ☐ Adopted a program or policy directive to create opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP, including development and adoption of all required ordinances? (S5.B.2.a)

Comments:

-
6. YES ☐ NO ☐ Have NPDES permit coverage for all applicable construction projects and industrial facilities? (S5.B.6.a.i)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Second Year Annual Report*

-
7. YES ☐ NO ☐ Gathered information about your storm drainage infrastructure? Attach estimated and verified numbers or miles (or feet) of open ditches, storm sewers, outfalls, catch basins, detention facilities, retention facilities, treatment facilities (and types), and regional facilities, if any. (S5.B.6.a.i)

Comments:

-
8. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms? (S5.B.6.a.ii)

Comments:

-
9. YES ☐ NO ☐ Provided adequate training for staff to carry out the SWMP? (S5.B.6.b)

Comments:

-
10. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms
NA ☐ and conditions within 30 days of becoming aware of the non-compliance? (G20 and S4.F)

Comments:

-
11. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes
NA ☐ aware of a discharge from the Permittees MS4 which may cause or contribute to an eminent threat to human health or the environment? (G20 and S4.F)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Third Year Annual Report*

Third Year Annual Report

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

I. Permittee Information

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address:</i>		

II. Regulated Small MS4 Location

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

III. Relying on another Governmental Entity

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity.***

IV. Certification

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

V. Submittal

Deliver two printed and signed copies and one electronic copy (MS Word format or PDF, on CD ROM of this report by March 31, 2010 to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

VI. Status Report For the Third Annual Report

-
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9?
- Comments:*
-
2. YES ☐ NO ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3?
- Comments:*
-
3. YES ☐ NO ☐ Made the most current version of the SWMP available to the public? Attach a copy of the updated SWMP. If posted on website, list address. (S5.B.2.b)
- Comments:*
-
4. YES ☐ NO ☐ Have NPDES permit coverage for all applicable construction projects and industrial facilities? (S5.B.6.a.i)
- Comments:*
-
5. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)
- Comments:*
-
6. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to prohibit illicit discharges and authorize enforcement actions, including on private property? Attach a copy of the ordinance. (S5.B.3.b.i)
- Comments:*
-
7. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP? (S5.B.2.a)
- Comments:*
-

*Eastern Washington Phase II Municipal Stormwater Permit
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-
8. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of spills and other illicit discharges? Attach a summary of all reports received and follow-up actions taken during the reporting period. (S5.B.3.d.ii)

Comments:

-
9. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to require post-construction stormwater controls at new development and redevelopment projects? Attach a copy of the ordinance. (S5.B.5.a)

Comments:

-
10. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms? (S5.B.6.ii)

Comments:

-
11. YES ☐ NO ☐ Began tracking and/or estimating the cost of development and implementation of the SWMP? (S5.A.4.a.ii)

Comments:

-
12. YES ☐ NO ☐ Began identifying sites in preparation for future, long-term monitoring? Attach a summary of the status of site identification for long-term stormwater monitoring and for BMP effectiveness monitoring; proposed questions for SWMP effectiveness monitoring; and status of developing the SWMP effectiveness monitoring plans. (S8.C.1)

Comments:

-
13. YES ☐ NO ☐ Provided adequate training for staff to carry out the SWMP? (S5.B.6.b)

Comments:

-
14. YES ☐ NO ☐ NA ☐ Notified Ecology of the failure to comply with the permit terms and conditions within 30 days of becoming aware of the non-compliance? (G20 and S4.F)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
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-
15. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes
NA ☐ aware of a discharge from the Permittees MS4 which may cause or
contribute to an eminent threat to human health or the environment? (G20
and S4.F)

Comments:

A. Information Collection complete sections A, B and C for the third and following annual reports (S8.A, S8.B and S9)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

B. SWMP Evaluation (S8.B & S9)

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet implementing BMPs for a component of the SWMP.

-
1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate
N/A ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

-
2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement
N/A ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
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-
3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge
N/A ☐ Detection and Elimination appropriate to minimize pollutants in the MS4
to the MEP? (S8.B)

Comments:

-
4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction
N/A ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the
MS4 to the MEP?

Comments:

-
5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction
N/A ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the
MEP? (S8.B)

Comments:

-
6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping
N/A ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to
the MEP? (S8.B)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
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C. Changes in BMPs or objectives (S8.B)

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.

1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

*Eastern Washington Phase II Municipal Stormwater Permit
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Fourth Year Annual Report

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

I. Permittee Information

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

II. Regulated Small MS4 Location

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

III. Relying on another Governmental Entity

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity.***

IV. Certification

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

V. Submittal

Deliver two printed and signed copies and one electronic copy (MS Word format or PDF, on CD ROM of this report by March 31, 2011 to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

VI. Status Report For the Fourth Year Annual Report

-
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9?

Comments:

-
2. YES ☐ NO ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3?

Comments:

-
3. YES ☐ NO ☐ Made the most current version of the SWMP available to the public? Attach a copy of the updated SWMP. If posted on website, list address. (S5.B.2.b)

Comments:

-
4. YES ☐ NO ☐ Have NPDES permit coverage for all applicable projects and facilities? (S5.B.6.a.i)

Comments:

-
5. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)

Comments:

-
6. YES ☐ NO ☐ Identified and characterized target audiences for public outreach efforts? Attach a description of the target audiences. (S5.B.1.a)

Comments:

-
7. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP? (S5.B.2.a)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Fourth Year Annual Report*

-
8. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of spills and other illicit discharges? Attach a summary of all reports received and follow-up actions taken during the reporting period. (S5.B.3.d.ii)

Comments:

-
9. YES ☐ NO ☐ Completed at least one-third of the map of your MS4? Attach a summary of the status of the mapping and updated storm drainage infrastructure information; include the map only if requested by Ecology. (S5.B.3.a.i)

Comments:

-
10. YES ☐ NO ☐ Prioritized receiving waters for visual inspection? (S5.B.3.c)

Comments:

-
11. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to require erosion and sediment controls at new development and redevelopment projects? Attach a copy of the ordinance. (S5.B.4.a)

Comments:

-
12. YES ☐ NO ☐ Inspected 95% of known stormwater treatment and flow control facilities owned or operated by the Permittee at least once?
Number of facilities inspected during the reporting period: ____
(S5.B.6.a)

Comments:

-
13. YES ☐ NO ☐ Applied the MTRs in Appendix 1 to all new public projects? (S5.B.4)

Comments:

-
14. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms?
(S5.B.6.a.ii)

Comments:

-
15. YES ☐ NO ☐ Developed and implemented an O&M plan for municipal operations?
(S5.B.6.a)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Fourth Year Annual Report*

-
16. YES ☐ NO ☐ Identified outfalls or conveyances for long-term stormwater monitoring?
N/A ☐ Attach site maps and descriptions. (S8.C.1.a)

Comments:

-
17. YES ☐ NO ☐ Identified at least two questions for SWMP effectiveness monitoring and
N/A ☐ developed monitoring plans? Attach the proposed questions and
monitoring plans for SWMP effectiveness monitoring. (S8.C.1.b.ii)

Comments:

-
18. YES ☐ NO ☐ Identified BMPs and sites for runoff treatment BMP effectiveness
N/A ☐ monitoring? Attach site maps and descriptions. (S8.C.2.a.iii)

Comments:

-
19. YES ☐ NO ☐ Provided adequate training for staff to carry out the SWMP? (S5.B.6.b)

Comments:

-
20. YES ☐ NO ☐ Tracked and/or estimated the cost of development and implementation of
the SWMP? (S5.A.4.a.ii)

Comments:

-
21. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms
NA ☐ and conditions within 30 days of becoming aware of the non-compliance?
(G20 and S4.F)

Comments:

-
22. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes
NA ☐ aware of a discharge from the Permittees MS4 which may cause or
contribute to an eminent threat to human health or the environment? (G20
and S4.F)

Comments:

A. Information Collection (S8.A, S8.B & S9)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

B. Evaluation of your SWMP (S8.B & S9)

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet implementing BMPs for a component of the SWMP.

-
1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate
N/A ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

-
2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement
N/A ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

-
3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge
N/A ☐ Detection and Elimination appropriate to minimize pollutants in the MS4
to the MEP? (S8.B)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Fourth Year Annual Report*

4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction
N/A ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the MS4 to the MEP?

Comments:

5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction
N/A ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping
N/A ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

C. Changes in BMPs or objectives (S8.B)

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.

1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

*Eastern Washington Phase II Municipal Stormwater Permit
Fourth Year Annual Report*

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Fifth Year Annual Report (and annually thereafter)

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

I. Permittee Information

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

II. Regulated Small MS4 Location

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

III. Relying on another Governmental Entity

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. *Attach a copy of your agreement with the other entity.*

IV. Certification

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

Name _____ Title _____ Date _____

V. Submittal

Deliver two printed and signed copies and one electronic copy (MS Word format or PDF, on CD ROM of this report by March 31, 2012 to:

Department of Ecology
Water Quality Program
Municipal Stormwater Permits
P.O. Box 47696
Olympia, WA 98504-7696

VI. Status Report For the Fifth Year Annual Report

-
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9?
- Comments:*
-
2. YES ☐ NO ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3?
- Comments:*
-
3. YES ☐ NO ☐ Made the most current version of the SWMP available to the public? Attach a copy of the updated SWMP. If posted on website, list address. (S5.B.2.b)
- Comments:*
-
4. YES ☐ NO ☐ Have NPDES permit coverage for all applicable projects and facilities? (S5.B.6.a.i)
- Comments:*
-
5. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)
- Comments:*
-
6. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP? (S5.B.2.a)
- Comments:*
-
7. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of spills and other illicit discharges? Attach a summary of all reports received and follow-up actions taken during the reporting period. (S5.B.3.d.ii)
- Comments:*
-

*Eastern Washington Phase II Municipal Stormwater Permit
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-
8. YES ☐ NO ☐ Completed at least two-thirds of the map of your MS4? Attach a summary of the status of the mapping and updated storm drainage infrastructure information; include the map only if requested by Ecology. (S5.B.3.a)

Comments:

-
9. YES ☐ NO ☐ Field assessed at least three water bodies? Attach a summary of unknown outfalls and illicit discharges discovered, and actions taken to eliminate the illicit discharges. (S5.B.3.c.ii)

Comments:

-
10. YES ☐ NO ☐ Field assessed at least one water body? Attach a summary of unknown outfalls and illicit discharges discovered, and actions taken to eliminate the illicit discharges. (S5.B.3.c)

Comments:

-
11. YES ☐ NO ☐ Have you implemented procedures for IDDE program evaluation and assessment? Attach summary of numbers and types of spills or illicit discharges identified; inspections made; and any feedback received from public education efforts. (S5.B.3.e)

Comments:

-
12. YES ☐ NO ☐ Reviewed *Stormwater Site Plans*, including construction SWPPPs for new development and redevelopment projects?
Number of site plans reviewed during the reporting period: ____
Number of SWPPPs reviewed during the reporting period: ____
Number of site plans approved during the reporting period: ____
(S5.B.4.b)

Comments:

-
13. YES ☐ NO ☐ Inspected construction-phase stormwater controls at new development and redevelopment projects?
Number of sites inspected during the reporting period: ____
Number of enforcement actions taken during the reporting period: ____
(S5.B.4.c)

Comments:

-
14. YES ☐ NO ☐ Inspected post-construction stormwater controls, including structural BMPs, at new development and redevelopment projects?

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Number of sites inspected during the reporting period: ____
Number of structural BMPs inspected during the reporting period: ____
Number of enforcement actions taken during the reporting period: ____
(S5.B.4.c)

Comments:

-
- 15.** YES ☐ NO ☐ Inspected structural BMPs at least once during installation?
Number of BMPs inspected during the reporting period: ____
(S5.B.5.c.ii)

Comments:

-
- 16.** YES ☐ NO ☐ Inspected stormwater treatment and flow control facilities owned or
operated by the Permittee?
Number of facilities inspected during the reporting period: ____
(S5.B.6.a.ii)

Comments:

-
- 17.** YES ☐ NO ☐ Applied the MTRs in Appendix 1 to all new public projects? (S5.B.4)

Comments:

-
- 18.** YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms?
(S5.B.6.a.ii)

Comments:

-
- 19.** YES ☐ NO ☐ Implementing a fully developed O&M plan for municipal operations?
(S5.B.6)

Comments:

-
- 20.** YES ☐ NO ☐ Provided adequate training for staff to carry out the SWMP? (S5.B.6.b)

Comments:

-
- 21.** YES ☐ NO ☐ Tracked and/or estimated the cost of development and implementation of
the SWMP? (S5.A.4.a.ii)

Comments:

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-
22. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms
NA ☐ and conditions within 30 days of becoming aware of the non-compliance?
(G20 and S4.F)

Comments:

-
23. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes
NA ☐ aware of a discharge from the Permittees MS4 which may cause or
contribute to an eminent threat to human health or the environment? (G20
and S4.F)

Comments:

A. Information Collection (S8.A, S8.B & S9)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

B. Evaluation of your SWMP (S8.B & S9)

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet implementing BMPs for a component of the SWMP.

-
1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate
N/A ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

-
2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement
N/A ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

Comments:

-
3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge
N/A ☐ Detection and Elimination appropriate to minimize pollutants in the MS4
to the MEP? (S8.B)

Comments:

-
4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction
N/A ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the
MS4 to the MEP?

Comments:

-
5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction
N/A ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the
MEP? (S8.B)

Comments:

-
6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping
N/A ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to
the MEP? (S8.B)

Comments:

*Eastern Washington Phase II Municipal Stormwater Permit
Fifth Year Annual Report*

C. Changes in BMPs or objectives (S8.B)

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.

1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	